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BILLS,

PUBLIC:

SIX VOLUMES.

—(6.)—

RACE-HORSE DUTY

TO

WILLS AND ADMINISTRATIONS.

Session

31 *January* —— 29 *July* 1856.

VOL. VI.

1856.

BILLS:

1856.

SIX VOLUMES:—CONTENTS OF THE SIXTH VOLUME.

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19° & 20° VICT.

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II. AN ACT to amend the Acts relating to the Metropolitan Police (28 *February*.)

III. AN ACT to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in *Scotland* existing before the Act of One thousand eight hundred and Forty-six (7 *March*.)

IV. AN ACT to apply the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of *March* One thousand eight hundred and Fifty-six (7 *March*.)

V. AN ACT for Funding Exchequer Bills and raising Money by way of Annuities (7 *March*.)

VI. AN ACT for raising Five Millions by way of Annuities (7 *March*.)

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IX. AN ACT to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land (14 *March*.)

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XI. AN ACT to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* (11 *April*.)

XII. AN ACT to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts (11 *April*.)

XIII. AN ACT to make Provision for the Management of certain Lands belonging to Her Majesty within the former Limits of the late Forest of *Delamere*, in the County of *Chester* (11 *April*.)

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XV. AN ACT for further regulating the Payment of the Out-Pensioners of *Greenwich* and *Chelsea* Hospitals (11 *April*.)

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XXVIII. AN ACT to make further Provision for rendering Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children (23 *June.*)

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XXXVI. AN ACT for the better Preservation of the Peace in *Ireland* (30 *June.*)

XXXVII. AN ACT to amend the Act for transferring to Counties in *Ireland* certain Works constructed wholly or in part with the Public Money (30 *June.*)

XXXVIII. AN ACT for the further Amendment of the Laws relating to Labour in Factories (30 *June.*)

XXXIX. AN ACT to carry into effect a Convention respecting a Loan by Her Majesty to the King of *Sardinia* (30 *June.*)

XL. AN ACT to amend an Act of the Seventeenth and Eighteenth Years of Her present Majesty relating to Industrial and Provident Societies (7 *July.*)

XLI. AN ACT to make further Provision for the Establishment of Savings Banks for Seamen (7 *July.*)

XLII. AN ACT to continue the Act for the Exemption of Stock in Trade from Rating (7 *July.*)

XLIII. AN ACT to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the Gross Revenue (7 *July.*)

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LVIII.	AN ACT to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*	(21 *July.*)
LIX.	AN ACT to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue	(21 *July.*)
LX.	AN ACT to amend the Laws of *Scotland* affecting Trade and Commerce	(21 *July.*)
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LXV.	AN ACT to encourage the providing of improved Dwellings for the Labouring Classes in *Ireland*	(21 *July.*)
LXVI.	AN ACT to extinguish certain Rights of Way, and to stop up certain Roads and Paths near the Camp at *Aldershot*	(21 *July.*)
LXVII.	AN ACT to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in *Ireland,* and to amend the said Acts	(21 *July.*)
LXVIII.	AN ACT to further amend the Laws relating to Prisons in *Ireland*	(21 *July.*)

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LXX. AN ACT to render valid certain Marriages in the Church at *Coatham*, in the Parish of *Kirk Leatham*, in the County of *York*	(29 *July*.)
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LXXVIII. AN ACT to continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign	(29 *July*.)
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XCII. AN ACT to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Encumbered Estates Court in *Ireland* - - (29 *July.*)

XCIII. AN ACT to constitute all legally qualified Persons in *Scotland* Commissioners of Supply without being named in an Act of Supply - - - - - - (29 *July.*)

XCIV. AN ACT for the uniform Administration of Intestates Estates, (29 *July.*)

XCV. AN ACT to give to the University of *Oxford*, and to Colleges in the said University, and to the College of *Saint Mary of Winchester*, near *Winchester*, Power to sell and exchange Lands, under certain Conditions - - - - - - (29 *July.*)

XCVI. AN ACT for amending the Law of Marriage in *Scotland* - - (29 *July.*)

XCVII. AN ACT to amend the Laws of *England* and *Ireland*, affecting Trade and Commerce - - - - - - - - - - - - (29 *July.*)

XCVIII. AN ACT to amend the Laws relating to the Burial of the Dead in *Ireland* - - - - - - - - - - - (29 *July.*)

XCIX. AN ACT to amend the Acts relating to Lunatic Asylums in *Ireland*, so far as relates to Superannuations - - - - - - - - - (29 *July.*)

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CI. AN ACT to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals - - - - - (29 *July.*)

CII. AN ACT to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law in *Ireland* - - - - - (29 *July.*)

CIII. AN ACT to make better Provision for the Removal of Nuisances, Regulation of Lodging-houses, and the Health of Towns in *Scotland* - - - - (29 *July.*)

CIV. AN ACT to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty, for making better Provision for the Spiritual Care of Populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes - - - - - - - - - - - (29 *July.*)

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CVII. AN ACT to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853 - - - - - - - - - - - - (29 *July.*)

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CIX. AN ACT to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools - - - - - - - (29 *July.*)

CX. AN ACT for the better Regulation of the House of Industry Hospitals and other Hospitals in *Dublin* supported wholly or in part by Parliamentary Grants - - - - - - - - - - - - (29 *July.*)

CXI. AN ACT for confirming a Scheme of the Charity Commissioners for *Stoke Poges* Hospital, in the County of *Bucks*, with certain Alterations - - - (29 *July.*)

CXII. AN ACT to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis - (29 *July.*)

CXIII. AN ACT to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals - - (29 *July.*)

CXIV. AN ACT to prevent false Packing and other Frauds in the Hay and Straw Trade - - - - - - - - - - - - - - (29 *July.*)

CXV. AN ACT to provide for the Retirement of the present Bishops of *London* and *Durham* - - - - - - - - - - - - - - (29 *July.*)

CAP. *Royal Assent.*

CXVI. AN ACT for the Appointment of a Vice-President of the Committee of Council on Education - - - - - - - - - - - - (29 *July.*)

CXVII. AN ACT to amend the Law relating to the Relief of the Poor in *Scotland* - - - - - - - - - - - - (29 *July.*)

CXVIII. AN ACT to amend the Act of the last Session of Parliament for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases - - - - - - - - - - - - - (29 *July.*)

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Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

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(W.) - - -	WALES exclusively.
(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
(G. B.) - -	GREAT BRITAIN.
(G. B. & I.) -	GREAT BRITAIN AND IRELAND.
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——— for raising 5,000,000 *l.* by way of - - - - - -	(U. K.)	6.
——— for raising the further Sum of 5,000,000 *l.* by way of - -	(U. K.)	21.
——— to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the Gross Revenue - - - - - - - - - - - -	(U. K.)	43.
Appeal, to constitute a Court of, in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court - - -	(I.)	92.
Appropriation; to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means to the Service of the Year 1856, and to appropriate the Supplies granted in this Session of Parliament -	(U. K.)	105.
Army; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - - -	(U. K.)	10.
Articles of Clerkship to Attorneys and others, to amend the Laws relating to - - - - - - - - - - - - -	(E.)	81.
Assessed Taxes, to amend the Laws relating to - - - - -	(S.)	80.
Auckland. *See* Bishop Auckland.		

B.

		Cap.
Bankers, to continue certain Compositions payable to, who have ceased to issue Bank Notes	(E.)	20.
——— to amend the Law relating to Drafts on	(E.)	25.
Bankruptcy, to consolidate and amend the Laws relating to	(S.)	79.
Banks. *See* Joint Stock Banks.		
Bath (Somerset), for confirming a Scheme of the Charity Commissioners for Saint Mary Magdalen Hospital, near	(E.)	45.
Beer, to repeal and re-impose the Excise Duty on Sugar used in brewing	(G. B. & I.)	34.
Berwick-upon-Tweed, to continue an Act for the Survey of	(G. B.)	61.
Bishop Auckland (Durham), to confirm Provisional Order of the General Board of Health for Alteration of the Boundaries of the District of	(E.)	26.
Bishops of London and Durham, to provide for the Retirement of the present	(E.)	115.
Board of Health; to confirm Provisional Orders of the General Board of Health, applying the Public Health Act (1848) to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-Side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop Auckland; and for other Purposes	(E.)	26.
——— to continue the General Board of Health	(E.)	85.
Burial of the Dead, to amend the Laws relating to	(I.)	98.

C.

Cambridge University, to make further Provision for the good Government and Extension of, and of the Colleges therein	(E.)	88.
Canada Company, for granting certain additional Powers and Authorities to	(U. K.)	23.
Capitular Estates, to continue the Act 14 & 15 Vict. c. 104, to facilitate the Management and Improvement of	(E.)	74.
Cattle, to continue certain Acts to prevent the spreading of contagious or infectious Disorders among	(U. K.)	101.
Central Criminal Court, Court of Queen's Bench empowered to order certain Offenders to be tried at	(E.)	16.
Chancery (Court of), to amend the Law and Practice of, in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court	(I.)	77.
——— to constitute a Court of Appeal in	(I.)	92.
Charities; to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts	(E.)	76.
Charity Commissioners, for confirming a Scheme of, for St. Mary Magdalen Hospital, near Bath (Somerset)	(E.)	45.
——— for confirming a Scheme of, for the endowed School at Moulton (Lincoln)	(E.)	53.
——— for confirming a Scheme of, for Stoke Poges Hospital (Bucks), with certain Alterations	(E.)	111.
Chelsea Hospital, for further regulating the Payment of the Out-Pensioners of	(U. K.)	15.
Children (Criminal and Vagrant), to amend the Mode of committing, to Reformatory and Industrial Schools	(G. B.)	109.
Children (Vagrant), to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of	(S.)	28.
Church Building Commissioners, for transferring the Powers of, to the Ecclesiastical Commissioners	(E.)	55

		Cap.
Coast-guard Service; to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard	(G. B. & I.)	83.
Coatham (York), to render valid certain Marriages in the Church at	(E.)	70.
Commerce; to amend the Laws affecting Trade and Commerce	(S.) (E. & I.)	60. 97.
Commissioners of Supply; to constitute all legally qualified Persons to be such, without being named in an Act of Supply	(S.)	93.
Committee of Council on Education, for the Appointment of a Vice-President of	(E.)	116.
Common Law, to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of	(I.)	102.
Commons Inclosure; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales	(E.)	11.
Compositions, to continue certain, payable to Bankers who have ceased to issue Bank Notes	(E.)	20.
Consolidated Fund, to apply 1,631,005*l.* 1*s.* 5*d.* out of, to the Service of the Year ending 31st March 1856	(U. K.)	4.
——— to apply 26,000,000*l.* out of, to the Service of the Year 1856	(U. K.)	7.
——— to authorize for a further Period the Advance of Money out of, for carrying on Public Works and Fisheries, and for the Employment of the Poor	(G. B. & I.)	17.
——— to authorize Issues out of, for the Redemption of certain Annuities charged on Branches of the Gross Revenue	(U. K.)	43.
——— (Appropriation); to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1856, and to appropriate the Supplies granted in this Session of Parliament	(U. K.)	105.
Contagious Disorders among Sheep, Cattle, and other Animals, to continue certain Acts to prevent the spreading of	(U. K.)	101.
Convict Prison; for enabling the Commissioners of Public Works to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts	(I.)	24.
Corrupt Practices Prevention Act, 1854, to continue	(G. B. & I.)	84.
County Courts, to amend the Acts relating to	(E.)	108.
Court of Queen's Bench empowered to order certain Offenders to be tried at the Central Criminal Court	(E.)	16.
Courts of Common Law; further to amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law	(I.)	102.
Criminal Children; to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools	(G. B.)	109.
Criminal Justice, to amend 18 & 19 Vict. c. 126, for diminishing Expense and Delay in the Administration of, in certain Cases	(E.)	118.
Cursitor Baron of the Exchequer, to abolish the Office of	(E.)	86.
Customs, for the further Alteration and Amendment of the Laws and Duties of	(U. K.)	75.

D.

Dead, to amend the Laws relating to the Burial of	(I.)	98.
Debts; to exempt Imprisonments under the Act 5 Geo. 4, c. 96, from the Operation of the Act abolishing in Scotland Imprisonment for Civil Debts of small Amount	(G. B.)	46.
——— to amend and re-enact certain Provisions of an Act, 54 Geo. 3, relating to Judicial Procedure and Securities for	(S.)	91.

(*continued*)

		Cap.
Deeds, to abolish certain unnecessary Forms in the framing of - -	(S.)	89.
Delamere Forest (Chester), to make Provision for the Management of certain Lands in, belonging to Her Majesty - - - - - -	(E.)	13.
Desertion; for punishing Mutiny and Desertion in the Army - -	(U. K.)	10.
Distillation from Rice, to permit the Use of Rice in the Distillation of Spirits - - - - - - - - - - - - -	(U. K.)	51.
Drafts on Bankers, to amend the Law relating to - - - -	(E.)	25.
Drainage, to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land - - - - - - -	(U. K.)	9.
——— to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage - - - - - - - - - -	(I.)	62.
Dublin; to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor - - - - -	(I.)	57.
——— for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants - - - - - - - - - -	(I.)	110.
Durham, to provide for the Retirement of the present Bishop of -	(E.)	115.
Duty on Racehorses, to repeal and re-impose, under new Regulations -	(G. B.)	82.
Dwellings for the Labouring Classes, to encourage the providing of improved - - - - - - - - - - - -	(I.)	65.
E.		
Ecclesiastical Commissioners, for transferring the Powers of the Church Building Commissioners to - - - - - - - - -	(E.)	55.
Education, for the Appointment of a Vice-President of the Committee of Council on - - - - - - - - - - -	(E.)	116.
Election of Members of Parliament; to continue the Corrupt Practices Prevention Act, 1854 - - - - - - - - - -	(G. B. & I.)	84.
——————————— to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs - - - - - - - -	(S.)	58.
Episcopal Estates, to continue the Act 14 & 15 Vict. c. 104, to facilitate the Management and Improvement of - - - - -	(E.)	74.
Estates; to facilitate Leases and Sales of Settled Estates - - -	(E. & I.)	120.
——— to amend the Law and Practice of the Court of Chancery in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court - - - -	(I.)	77.
——— for the uniform Administration of Intestates Estates - -	(E.)	94.
Eton, to make further Provision for the good Government and Extension of the College of King Henry VI. at - - - - -	(E.)	88.
Evidence in Foreign Suits; to provide for taking Evidence, in Her Majesty's Dominions, in relation to Civil and Commercial Matters pending before Foreign Tribunals - - - - - - -	(U. K.)	113.
Exchequer Bills, for funding, and raising Money by way of Annuities -	(U. K.)	5.
———————— for raising 21,182,700 *l.* by, for the Service of the Year 1856 - - - - - - - - - - - - -	(U. K.)	19.
———————— for raising 4,000,000 *l.* by Exchequer Bills and Exchequer Bonds, for the Service of the Year 1856 - - - - -	(U. K.)	44.
Exchequer (Court of); to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer - - - - - - - - -	(S.)	56.
———————— to abolish the Office of Cursitor Baron of - -	(E.)	86.
Excise Duty, to grant Allowances of, on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters -	(G. B. & I.)	34.

F.

		Cap.
Factories, for the further Amendment of the Laws relating to Labour in	(G. B. & I.)	38.
Fire Insurances, to amend the Laws relating to the Duty on	(U. K.)	22
Fisheries, to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on	(G. B. & I.)	17.
Foreign Tribunals, to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before	(U. K.)	113.
Formation, &c. of Parishes; to extend the Provisions of 6 & 7 Vict. c. 37, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes	(E.)	104.
Freedom of the City of London, to exempt from Stamp Duty Admissions to, by Redemption	(E.)	81

G.

General Board of Health, to continue	(E.)	84.
Grand Juries, to facilitate the Despatch of Business before	(E.)	54.
———— to amend the Acts relating to	(I.)	63.
Great Britain, to continue an Act for the Survey of	(G. B.)	61.
Greenwich Hospital, for further regulating the Payment of the Out-Pensioners of	(U. K.)	15.

H.

Hay and Straw Trade, to prevent false Packing and other Frauds in	(E.)	114.
Health of Towns, to make better Provision for	(S.)	103.
Hospitals; for the better Regulation of the House of Industry Hospitals, and other Hospitals in Dublin, supported wholly or in part by Parliamentary Grants	(I.)	110.
House of Commons, to regulate certain Offices of	(U. K.)	1.

I.

Imprisonments under the Act 5 Geo. 4, c. 96, exempted from the Operation of the Act abolishing in Scotland Imprisonment for Debts of small Amount	(G. B.)	46.
Inclosure of Lands; to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales	(E.) (E.)	11. 106.
Income Tax; to continue 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives	(G. B. & I.)	33.
———— to grant Relief in assessing the Income Tax on Lands in respect of certain Public Burdens charged thereon, and to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax	(S.)	80.
Incumbered Estates, to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates, and to amend the said Acts	(I.)	67.
———— to amend the Law relating to Appeals from the Incumbered Estates Court	(I.)	92.
Indemnity; annual Act to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time for those Purposes respectively	(U. K.)	73.

(continued)

Cap.

Industrial Schools; to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of Vagrant Children - - - - - - - - - - - (S.) 28.

——— to amend the Mode of committing Criminal and Vagrant Children to - - - - - - - - - - (G. B.) 109.

Industrial Societies, to amend 17 & 18 Vict. c. 25, relating to - - (E.) 40.

Infectious Disorders among Sheep, Cattle, and other Animals, to continue certain Acts to prevent the spreading of - - - - (U. K.) 101.

Insurances; to amend the Laws relating to the Duties on Fire Insurances - - - - - - - - - - - (U. K.) 22.

——— to continue 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - - - - - - - - (G. B. & I.) 33.

Intestates Estates, for the uniform Administration of - - - - (E.) 94.

Isle of Man, to continue an Act for the Survey of - - - - (G. B.) 61.

J.

Joint Stock Banks; to extend the Period for which Her Majesty may grant Letters of Incorporation to Joint Stock Banks in Scotland existing before the Act of 1846 - - - - - - - (S.) 3.

——— to amend the Laws with respect to the Election of Directors of - - - - - - - - - - (E.) 100.

Joint Stock Companies and other Associations, for the Incorporation and Regulation of - - - - - - - - - (G. B. & I.) 47.

Judicial Procedure; to amend and re-enact certain Provisions of an Act of 54 Geo. 3, relating to Judicial Procedure and Securities for Debts - - - - - - - - - - - (S.) 91.

Juries. *See* Grand Juries.

Justice (Criminal), to amend 18 & 19 Vict. c. 126, for diminishing Expense and Delay in the Administration of, in certain Cases - (E.) 118.

Justices of the Peace, for amending the Procedure before - - - (S.) 48.

Juvenile Convicts Prison; for enabling the Commissioners of Public Works to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts - - - - - - - (I.) 24.

K.

Kirk Leatham (York), to render valid certain Marriages in the Church at Coatham, in the Parish of - - - - - - - (E.) 70.

L.

Labour in Factories, for the further Amendment of the Laws relating to (G. B. & I.) 38.

Labouring Classes, to encourage the providing of improved Dwellings for - - - - - - - - - - - - (I.) 65.

Land, to amend the Acts relating to the Advance of Public Money to promote the Improvement of - - - - - - - (U. K.) 9.

Lands, to authorize the Inclosure of certain, in pursuance of a Report of the Commissioners for England and Wales - - - - (E.) 11.
(E.) 106.

——— to make Provision for the Management of certain, belonging to Her Majesty, within the former Limits of the late Forest of Delamere (Chester) - - - - - - - - - - (E.) 13.

——— to grant Relief in assessing the Income Tax on, in respect of certain Public Burdens charged thereon - - - - - (S.) 80.

Land Tax, to amend the Laws relating to, and to the Redemption and Purchase of the Land Tax - - - - - - - - (S.) 80.

		Cap.
Leases of Settled Estates, to facilitate - - - - - - -	(E. & I.)	120.
Lives (Insurance on), to continue 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of - - - - - - - - - - - -	(G. B. & I.)	33.
Livings; to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, &c. - - - - - - - - - - -	(E.)	50.
Loan; to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia - - - - - - -	(U. K.)	39.
—— to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works - - -	(I.)	18.
Lodging Houses, to make better Provision for the Regulation of -	(S.)	103.
London; to amend the Acts relating to the Metropolitan Police - -	(E.)	2.
—— to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption - - - - - - - -	(E.)	81.
—— to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853 - - - - - - - - - - - - - -	(E.)	107.
—— to amend 18 & 19 Vict. c. 120, for the better Local Management of the Metropolis - - - - - - - - -	(E.)	112.
—— to provide for the Retirement of the present Bishop of - -	(E.)	115.
Lunatic Asylums Act, 1853, to amend - - - - - - -	(E.)	87.
—— to amend the Laws relating to, so far as relates to Superannuations - - - - - - - - - - -	(I.)	99.

M.

Magdalen Hospital (Bath), confirming a Scheme of the Charity Commissioners for - - - - - - - - - - -	(E.)	45.
Magistrates, for amending the Procedure before - - - -	(S.)	48.
Malt, to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; and to amend the Law relating to Malt Roasters - -	(G. B. & I.)	34.
Man (Isle of), to continue an Act for the Survey of - - - - -	(G. B.)	61.
Manning of the Navy, to provide for the more ready - - - -	(G. B. & I.)	83.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - -	(U. K.)	8.
Marriages; to render valid certain Marriages in the Church at Coatham, in the Parish of Kirk Leatham (York) - - - - -	(E.)	70.
—— for amending the Law of - - - - - - - -	(S.)	96.
—— to amend the Provisions of the Marriage and Registration Acts - - - - - - - - - - - - - -	(E.)	119.
Members of Parliament, to continue the Corrupt Practices Prevention Act, 1854, at the Election of - - - - - - - -	(G. B. & I.)	84.
Metropolis Local Management Act Amendment; to amend 18 & 19 Vict. c. 120, for the better Local Management of the Metropolis -	(E.)	112.
Metropolitan Police, to amend the Acts relating to - - - -	(E.)	2.
Militia Ballots Suspension; to suspend the making of Lists and Ballots for the Militia of the United Kingdom - - - -	(U. K.)	52.
Militia Pay; to defray the Charge of the Pay, Clothing, &c. of the disembodied Militia in Great Britain and Ireland; to grant Allowances in certain cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - - -	(U. K.)	90.
Moss-Side (Lancaster), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of - - - - - - - - - - - - -	(E.)	26.

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		Cap.
Moulton (Lincoln), for confirming a Scheme of the Charity Commissioners for the Endowed School at - - - - - - -	(E.)	53.
Mutiny; for punishing Mutiny and Desertion in the Army - -	(U. K.)	10.
——— (Marine); for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - -	(U. K.)	8.

N.

National Gallery, to extend the Power of the Trustees and Director of, and to authorize the Sale of Works of Art belonging to the Public - - - - - - - - - - - -	(U. K.)	29.
Navigations made in connexion with Drainage, to provide for the Maintenance of - - - - - - - - - -	(I.)	62.
Navy, to provide for the more ready Manning of - - - -	(G. B. & I.)	83.
Nuisances, to make better Provision for the Removal of - - -	(S.)	103.
——— to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853 - - - - - - - - - - - -	(E.)	107.

O.

Oaths (Unlawful), to continue 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89, for preventing the administering and taking of - - - - - - - - - - - -	(I.)	78.
Offenders, to empower the Court of Queen's Bench to order certain, to be tried at the Central Criminal Court - - - - - - -	(E.)	16.
Offices (House of Commons), to regulate certain - - - -	(U. K.)	1.
Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for - - - - - - - - - -	(U. K.)	73.
Out-Pensioners of Greenwich and Chelsea Hospitals, for further regulating the Payment of - - - - - - - - -	(U. K.)	15.
Oxford University, to amend 17 & 18 Vict. c. 81, concerning - -	(E.)	31.
——— to give to the University and to Colleges therein Power to sell and exchange Lands, under certain Conditions - -	(E.)	95.

P.

Packing; to prevent false Packing in the Hay and Straw Trade -	(E.)	114.
Parishes; to extend the Provisions of 6 & 7 Vict. c. 37, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes - - - - - - - - -	(E.)	104.
Parsonage Houses; to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses - - -	(E.)	50.
Pawnbrokers, to amend the Acts relating to - - - - - -	(G. B.)	27.
Peace, for the better Preservation of - - - - - - -	(I.)	36.
Police; to amend the Acts relating to the Metropolitan Police - -	(E.)	2.
——— in Counties and Boroughs, to render more effectual - -	(E.)	69.
Poor, to authorize for a further Period the Advance of Money out of the Consolidated Fund, for the Employment of - - - -	(G. B. & I.)	17.
——— to continue the Act 3 & 4 Vict. c. 89, for the Exemption of Stock in Trade from Rating to the Relief of the Poor - - -	(E.)	42.
——— to amend the Law relating to the Relief of - - - - -	(S.)	117.
Poor Law Commissioners, to abolish the Office of Secretary to - -	(I.)	14.

Cap.

Prisons, to amend the Laws relating to - - - - - - - (I.) 68.

Procedure in the Superior Courts of Common Law, to further amend - (I.) 102.

Procedure before Justices; for amending the Procedure before Magistrates and Justices of the Peace - - - - - - - (S.) 48.

Procedure (Judicial); to amend and re-enact certain Provisions of an Act 54 Geo. 3, relating to Judicial Procedure and Securities for Debts - - - - - - - - - - - (S.) 91.

Provident Societies, to amend 17 & 18 Vict. c. 25, relating to - - (E.) 40.

Proxy, to reduce the Stamp Duties on certain Instruments of - - (E.) 81.

Public Revenue, to alter the Mode of providing for certain Expenses now charged upon certain Parts of - - - - - - (U. K.) 59.

Public Works, to authorize for a further Period the Advancement of Money out of the Consolidated Fund, for carrying on - - - (G. B. & I.) 17.

——— to authorize for a further Period the Application of Money for the purposes of Loans for carrying on - - - - (I.) 18.

——— for enabling the Commissioners of, to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts (I.) 24.

——— to amend 16 & 17 Vict. c. 136, for transferring to Counties certain Works constructed wholly or in part with the Public Money (I.) 37.

Q.

Queen; to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia - - - - - - - (U. K.) 39.

Queen's Bench (Court of), empowered to order certain Offenders to be tried at the Central Criminal Court - - - - - - (E.) 16.

R.

Racehorses, to repeal and re-impose the Duty on, under new Regulations - - - - - - - - - - - - (G. B.) 82.

"Railways Act (Ireland), 1851," to continue - - - - - (I.) 72.

Real Estates; to amend the Law and Practice of the Court of Chancery in relation to the Appointment of Receivers over Real Estates, and to expedite the Sale of Estates in the said Court - - - (I.) 77.

Rating, to continue the Act 3 & 4 Vict. c. 89, for the Exemption of Stock in Trade from - - - - - - - - - - (E.) 42.

Redemption and Purchase of the Land Tax, to amend the Laws relating to - - - - - - - - - - - - (S.) 80.

Reformatory Schools; to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of Vagrant Children - - - - - - - - - - (S.) 28.

——— to amend the Mode of committing Criminal and Vagrant Children to - - - - - - - - - - (G. B.) 109.

Registration to amend the Provisions of the Marriage and Registration Acts - - - - - - - - - - - - - (E.) 119.

Registration of Voters; to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs - - - - - - - - - - (S.) 58.

Revenue; to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the Gross Revenue - - - - - - - - - - - - - (U. K.) 43.

——— to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue - - - - (U. K.) 59.

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		Cap.
Rice, to permit the Use of, in the Distillation of Spirits	(U. K.)	51.
Rusholme (Lancaster), to confirm Provisional Order of the General Board of Health for Alteration of the Boundaries of the District of	(E.)	26.
S.		
Saint Sepulchre's Manor (Dublin); to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre, in and near Dublin, and for the future Regulation of certain Markets of the said Manor	(I.)	57.
Sale of Incumbered Estates; to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates, and to amend the said Acts	(I.)	67.
Sale of Settled Estates, to facilitate	(E. & I.)	120.
Sardinian Loan; to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia	(U. K.)	39.
Seamen's Savings Banks, to make further Provision for the Establishment of	(U. K.)	41.
Secretary to the Poor Law Commissioners, to abolish the Office of	(I.)	14.
Securities for Debts; to amend and re-enact certain Provisions of an Act of 54 Geo. 3, relating to Judicial Procedure and Securities for Debts	(S.)	91.
Session (Court of), constituted the Court of Exchequer in Scotland	(S.)	56.
Settled Estates, to facilitate Leases and Sales of	(E. & I.)	120.
Sheep and other Animals, to continue certain Acts to prevent the spreading of Contagious or Infectious Disorders among	(U. K.)	101.
Smoke Nuisance Abatement (Metropolis) Act, to amend	(E.)	107.
Sowerby Bridge (York), to confirm Provisional Order of the General Board of Health applying the Public Health Act, 1848, to the District of	(E.)	26.
Spirits, to permit the Use of Rice in the Distillation of	(U. K.)	51.
Stamp Duties on certain Instruments of Proxy, to reduce; to amend the Laws relating to the Stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption	(E.)	81.
Statutes; to repeal certain Statutes which are not in use	(E. & I.)	64.
Stock in Trade, to continue the Act 3 & 4 Vict. c. 89, for the Exemption of, from rating to the Relief of the Poor	(E.)	42.
Stoke Poges Hospital (Bucks), for confirming a Scheme of the Charity Commissioners for, with certain Alterations	(E.)	111.
Straw Trade, to prevent false packing and other Frauds in the Hay and Straw Trade	(E.)	114.
Sugar used in brewing Beer, to repeal and re-impose the Excise Duty on	(G. B. & I.)	34.
Supplies; to apply 1,631,005 *l.* 1 *s.* 5 *d.* out of the Consolidated Fund to the Service of the Year ending 31st March 1856	(U. K.)	4.
——— for funding Exchequer Bills, and raising Money by way of Annuities	(U. K.)	5.
——— to apply 26,000,000 *l.* out of the Consolidated Fund to the Service of the Year 1856	(U. K.)	7.
——— for raising 21,182,700 *l.* by Exchequer Bills for the Service of the Year 1856	(U. K.)	19.
——— for raising 5,000,000 *l.* by way of Annuities	(U. K.)	6.
——— for raising the further Sum of 5,000,000 *l.* by way of Annuities	(U. K.)	21.
——— for raising 4,000,000 *l.* by Exchequer Bills and Exchequer Bonds for the Service of the Year 1856	(U. K.)	44.
——— Appropriation of	(U. K.)	105.

Cap.

Supply, to constitute all legally qualified Persons Commissioners of, without being named in an Act of Supply - - - - - - (S.) 93.

Superannuations, to amend the Acts relating to Lunatic Asylums so far as relates to - - - - - - - - - - - (I.) 99.

Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man, to continue 4 & 5 Vict. c. 30, for - - - - - - - - (G. B.) 61.

T.

Taxes. *See* Assessed, Income, and Land Tax.

Towns, to make better Provision for the Health of - - - - (S.) 103.

Trade and Commerce, to amend the Laws affecting - - - - (S.) 60. (E. & I.) 97.

Trial of Offences; Court of Queen's Bench empowered to order certain Offenders to be tried at the Central Criminal Court - - - (E.) 16.

Turnpike Acts, to continue certain - - - - - - - (G. B.) 49.

Turnpike Roads, to continue certain Acts for regulating - - - (I.) 71.

Turnpike Trusts Arrangements; to confirm certain Provisional Orders made under 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - - (E.) 12.

U.

Universities. *See* Cambridge and Oxford.

Unlawful Oaths, to continue 2 & 3 Vict. c. 74, as amended by 11 & 12 Vict. c. 89, for preventing the administering and taking of - (I.) 78.

V.

Vagrant Children, to make further Provision for rendering Reformatory and Industrial Schools more available for the Benefit of - - - (S.) 28.

——————— to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools - - (G. B.) 109.

Voters. *See* Registration of Voters.

W.

Waterloo with Seaforth (Lancaster), to confirm Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of - - - - - - - - - - (E.) 26.

West Ham (Essex), to confirm Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of (E.) 26.

West India Relief Commissioners, authorized to grant further Time for the Repayment of Monies advanced by them in certain Cases - - (U. K.) 35.

Whichwood Disafforesting Act, 1853, to amend - - - - (E.) 32.

Williams (Sir William Fenwick), to settle an Annuity on, in consideration of his eminent Services - - - - - - - - (U. K.) 30.

Winchester (College of St. Mary), to amend 17 & 18 Vict. c. 81, concerning - - - - - - - - - - - - (E.) 31.

——————— to give the College Power to sell and exchange Lands, under certain Conditions - - - - - - - - - (E.) 95.

10 *July* 1856. 19 & 20 Vict.

A

BILL

TO

Repeal and reimpose under new Regulations the Duty on Race-horses.

Preamble.
16 & 17 Vict. c. 90.

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety, the annual Duty of Three Pounds Seventeen Shillings is chargeable under the Rules and Regulations relating to the Assessed Taxes for every Horse kept or used for the Purpose of racing, or running for any Plate, Prize, or Sum of Money or other Thing, or kept in training for any of the said Purposes: And whereas it is expedient to repeal the said Duty, and in lieu thereof to impose a Duty on Race-horses in the Manner and under the Regulations herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Assessed Tax on Race-horses repealed.

I. From and after the *Fifth Day of April One thousand eight hundred and fifty-seven*, the said Duty of Three Pounds Seventeen Shillings so chargeable as aforesaid under or by virtue of the said recited Act shall cease and determine, save and except as to any Arrears thereof, and as to any Penalty incurred in relation to the said Duty.

New Duty on Race-horses imposed in lieu.

II. In lieu of the said Duty hereby repealed, there shall be charged and paid, for the Use of Her Majesty, Her Heirs and Successors, for every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, the Sum of *Three Pounds Seventeen Shillings* as the Duty for such Horse for One Year ending on the Fifth Day of April next after the Day on which such Horse shall so start or run.

Duty imposed to be deemed an Excise Duty, and all Powers and Provisions of Excise Acts to be applied thereto.

III. The said Duty by this Act imposed shall be deemed to be a Duty of Excise, and all Powers, Provisions, Regulations, and Penalties contained in or enacted by any Act in force for securing Duties of Excise, or otherwise in relation thereto, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, levying, collecting, and securing the said Duty hereby imposed, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, Regulations, and Penalties were herein particularly repeated and re-enacted with reference to the said last-mentioned Duty.

Duty to be paid to the Clerk of the Course previously to the starting of the Race-horse.

Penalty on Owner refusing to pay the Duty, and not producing Receipt for previous Payment.

IV. The said Duty by this Act imposed shall be paid into the Hands of the Clerk of the Course, by or on behalf of the Owner of the Horse, previously to the starting or running of such Horse at any Race, and the said Clerk of the Course shall give a Receipt for such Duty in such Form and with such Particulars as herein-after mentioned, and the Production of such Receipt at any future Race during the Year ending as aforesaid shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the same Year; and if the Owner of any such Horse shall neglect or refuse to pay the said Duty to the Clerk of the Course, previously to the starting or running of such Horse at any Race, and shall not, previously to such starting or running, produce and show to such Clerk of the Course a proper Receipt for the said Duty, previously paid in respect of the same Horse in the same Year, such Owner shall for every such Neglect or Refusal forfeit the Sum of *Fifty Pounds*.

Clerk of the Course to demand the Duty previously to the starting of any Race-horse.

V. Every Clerk of the Course shall, previously to the starting of any Horse at any Race, demand of the Owner or other Person having the Care or Control of such Horse the said Duty by this Act imposed, or the Production of a proper Receipt for the said Duty, if the same shall have been paid for the same Horse at any former Race within the same Year ending as aforesaid; and unless the said Duty shall be paid to the said Clerk of the Course, or such Receipt as aforesaid be produced to him, he shall not allow such Horse to start or run at any Race.

VI. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts, with Counterfoils, for the said Duty imposed by this Act, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race-horse and also of the Race for or in respect of which the said Duty shall be paid, and the Time and Place of holding such Race, and the Name of the Owner of such Horse, and also the Date of the Receipt of the said Duty by the Clerk of the Course; and the said Commissioners shall supply a proper and sufficient Number of such Forms to every Clerk of the Course who shall apply for the same.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils

VII. Every Clerk of the Course who shall receive the said Duty for any Race-horse shall give a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by him, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

To give Receipt for Duty on printed Form and fill up Counterfoil.

VIII. Every Clerk of the Course who shall have been supplied with any such Book of printed Forms of Receipts and Counterfoils shall be chargeable with and accountable for the same in manner herein-after mentioned, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Clerk of the Course, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Clerk of the Course, and not produced by him to such Officer, the said Clerk of the Course shall be deemed to have received the Amount of the said Duty of *Three Pounds Seventeen Shillings*, and shall be charged with the same accordingly as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To be accountable for Forms of Receipts and Counterfoils supplied to him.

IX. Every Clerk of the Course shall *twice* in every Year, that is to say, within *Ten* Days after the First Day of January and the First Day of July in every Year, make out and deliver to the Commissioners of Inland Revenue, or to such Officer as they shall direct, a true and correct List, in such Form as the said Commissioners shall require or direct, of all the Horses which have started or run at any Race at which such Clerk of the Course officiated in that Capacity within the

To make out Lists half-yearly of Race-horses which have started at Races at which he has officiated.

preceding Half Year, and shall specify in such List the Names by which such Horses were called or known, and the Names of their respective Owners, and also the Name or other Description of the Race, and the Date and Place of holding the same, and shall distinguish in such List the Horses in respect of which the Duty was paid to such Clerk of the Course, and the Horses in respect of which Receipts were produced, showing the Payment of the said Duty to some other Clerk of the Course, and in the latter Case the Name of such Clerk of the Course, and the Place and Date of such Payment.

To pay over Monies to Collector of Inland Revenue.

X. The Clerk of the Course shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Collector of Inland Revenue, or to such other Officer as the Commissioners of Inland Revenue may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Clerk of the Course, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, the said Clerk of the Course shall have and be entitled to an Allowance at the Rate of *One Shilling* in the Pound on all such Monies paid by him as aforesaid, and such Allowance shall be paid to him by such Collector or other Officer, by Warrant of the said Commissioners.

To have an Allowance for due Payment and Performance of Duty.

Penalty on Clerk of the Course for Neglect of Duty.

XI. If any Clerk of the Course shall refuse or neglect to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Prohibition, Injunction, or Direction herein contained, he shall for every such Offence forfeit the Sum of *Fifty Pounds.*

Interpretation Clause.

XII. The Term "Race-horse," used in this Act, shall be construed to mean any Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing; and the said Term "Race-horse," as well as the Term "Horse," used in this Act, shall be deemed to include also a Mare or Gelding; and in all Proceedings for the Recovery of the said Duty by this Act imposed, or of any Penalty in relation thereto, it shall be sufficient to designate any such Horse as aforesaid by the Term "Race-horse," without further or otherwise describing the same; and the Term "Clerk of the Course," used in this Act, shall be deemed to include also any Steward or other Person having the Management or Control of any Race; and for the Purposes of this Act the Person by whom or in whose Name any Race-horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race-horse.

Act not to extend to Ireland.

XIII. This Act shall not extend to Ireland.

Race-horse Duty.

A

BILL

To repeal and reimpose under new Regulations the Duty on Race-horses.

(*Prepared and brought in by*
The Chancellor of the Exchequer and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1856.

[Bill 243.]

Under 1 *oz.*

6 *March* 1856. 19 VICT.

A

BILL

TO

Extend the Provisions of the Railway and Canal Traffic Act, 1854.

WHEREAS by the Act Seventeenth and Eighteenth Victoria, Chapter Thirty-one, it is enacted, that Railway Companies, Canal Companies, and Railway and Canal Companies shall not "make or give any undue or unreasonable Preference or "Advantage to or in favour of any particular Person or Company, "or any particular Description of Traffic, in any respect what-"soever;" and it is expedient to make more express Provision for carrying into effect this Purpose of the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The said Act and this Act shall be construed and executed as if they were One Act. Incorporate Act 17 & 18 Vict. c. 31. with this Act.

II. It shall not be lawful for any Railway Company to charge for Passengers conveyed over any Portion of their Railway a higher Fare than that at the Time charged for Passengers conveyed over any greater Portion of their Railway in a like Class of Carriage by the same or a like Description of Train. Shorter Distance not to be charged larger Fare.

III. It

Mileage Rate not to be unduly different.

III. It shall not be lawful for any Railway Company to make any undue or unreasonable Difference in the Rates per Mile charged for Passengers conveyed over any Portions of their Railway in a like Class of Carriage in the same or a like Description of Train.

Fares to Termini common to various Lines may be equal.

IV. Provided always, That when Two or more Railway Companies carry Passengers between common Termini by different Routes, it shall be lawful, subject to the Provisions contained in Section II. of this Act, for the Company possessing the longer Route to charge the same Through Fares as may at the Time be charged by the Company possessing the shortest Route.

Exceptional low Fare may be granted for special Reasons.

V. Provided also, That if any Railway Company possessing the shortest Route between any Two Stations alleges by Memorial to the Board of Trade that there are special Reasons for encouraging the Passenger Traffic between such Stations by charging an exceptional low Fare for a Period to be named in the said Memorial, it shall be lawful for the Board of Trade, after due Notice given, to hear Parties objecting, and to judge of the Existence and Sufficiency of the Reasons, and if satisfied to grant a Certificate specifying the reduced Fares at which the Company may thenceforth carry Passengers between these Stations, for a Period not greater than that specified in the said Memorial, and during the said Period it shall be lawful for the Company to carry on the Terms of the said Certificate without thereby becoming liable under the Provisions of this Act.

Railway and Canal Traffic.

A

BILL

To extend the Provisions of the Railway and Canal Traffic Act, 1854.

(Prepared and brought in by
Mr. Blackburn and Mr. Seymour Fitzgerald.)

Ordered, by The House of Commons, *to be Printed,*
6 *March* 1856.

[Bill 66.]

Under 1 *oz.*

7 *July* 1856. 19 & 20 Vict.

(Ireland.)

A

B I L L

TO

Continue "The Railways Act (Ireland), 1851."

WHEREAS an Act was passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled " An Act to alter and " amend certain Provisions of the Lands Clauses Consolidation Act, " 1845, so far as relates to Ireland," which Act was to continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Act should be continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, Preamble. 14 & 15 Vict. c. 70.

I. That the said recited Act shall continue in force for *One Year next after the passing of this Act, and thence to the End of the then next Session of Parliament.* Recited Act continued.

[Bill 230.]

Railways Act (Ireland), 1851, Continuance.

A

BILL

To continue "The Railways Act (Ireland), 1851."

(Prepared and brought in by
Mr. Horsman and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1856.

[Bill 230.]

Under 1 *oz.*

24 *April* 1856. 19 Vict.

A

BILL

TO

Amend the Law in England and Wales with reference to the Assessment of Mines (other than Coal Mines) to the Relief of the Poor.

Preamble.

WHEREAS it has been held by the Courts of Law that the Occupiers of Mines in England and Wales (other than Coal Mines) are not rateable to the Relief of the Poor, under the Provisions of the Act passed in the Forty-third Year of the Reign of Queen Elizabeth, Chapter Two, whilst it has been held that the Lords are rateable in respect of the Dues derived from such Mines when reserved in Kind, but that they are not rateable when the Dues are reserved in Money, whereby some of such Mines now contribute towards the Relief of the Poor whilst others are altogether exempt therefrom; and it is expedient that such Distinctions should no longer exist, but that the Occupiers of all Mines in England and Wales should contribute to the Funds for the Relief of the Poor, and that the Rating of such Mines should be rendered certain and uniform: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Occupiers of all Mines (other than Coal

I. From and after the *Twenty-ninth Day of September next* the Occupiers of all such Mines in England and Wales shall be rated and

Mines) to be rated.

and assessed to all Rates and Assessments made for the Relief of the Poor in the several Parishes in which such Mines shall be situated, and the annual rateable Value of such Mines for the Purpose of such Assessment shall be estimated at the Sum which for the Year ending on the *Twenty-fifth Day of March* immediately preceding each Assessment shall have accrued due to the Lord for Rent, Royalty, Toll, or Dues in respect of such Mine, or the Value thereof in Money where the same shall be reserved or rendered in Kind; provided, nevertheless, that no Rent, Royalty, Toll, or Dues which shall have been given up by the Lord shall be included in any such Estimate: Provided also, that where any Mine shall be worked, either by the Lord himself, or by any other Persons, without any such reserved Rent, Royalty, Toll, or Dues, or where any Fine, Premium, or other Consideration (other than a reserved Rent, Royalty, Toll, or Dues) shall have been paid or agreed to be paid to the Lord in lieu of or in addition to any such Rent, Royalty, Toll, or Dues, the annual rateable Value of any such Mine shall, under such Circumstances, be estimated at the Amount which would under an ordinary Lease or Grant have accrued to the Lord for Rent, Royalty, Toll, or Dues in respect of such Mine for the then previous Year, to be computed, as aforesaid, at the Rate usually reserved in Leases or Grants of Mines of a similar Nature within the District in which such Mine shall be situated, such District for this Purpose to be considered as comprising the Parish in which such Mine shall be situated and the Parishes immediately adjacent thereto: Provided also, that no Rate or Assessment for the Relief of the Poor other than is herein provided for shall be made or assessed either on the Lord or the Occupiers of any such Mine in respect thereof, or the Rent, Royalty, Toll, or Dues arising therefrom.

Proviso for existing Leases where but for the Provisions of this Act the Lord would be liable to be rated in respect of the Dues.

II. Where, under any Lease or Grant in operation at the Time of *the passing of this Act*, the Lord shall, before *the passing of this Act*, have paid any Rate or Assessment, or but for the Provisions of this Act would be liable to be assessed to any Rate for the Relief of the Poor, in respect of the Royalty, Toll, or Dues reserved by such Lease or Grant, it shall be lawful for the Occupiers to deduct from the Royalty, Toll, or Dues payable under any such Lease or Grant all Sums of Money which, by virtue of the Provisions of this Act, shall be assessed on such Occupiers in respect of such Mine, during the Continuance of such Lease or Grant; and the Lord shall allow such Deductions in part Payment thereof, provided there be no Covenant or Agreement to the contrary contained in any such Lease or Grant.

Proviso for existing Leases where but

III. Where, under any Lease or Grant in operation at the Time of *the passing of this Act*, neither the Occupiers nor the Lord would, but for the Provisions of this Act, be liable to be assessed to any Rate for the Relief of the Poor in respect of any such Mine, or the Rent, Royalty, Toll, or Dues thereby reserved, it shall be lawful for the Occupiers of such Mine to deduct as aforesaid from the Rent, Royalty, Tolls, or Dues payable under any such Lease or Grant One Moiety of all Sums of Money which, by virtue of the Provisions of this Act, shall be assessed on such Occupiers in respect of such Mine during the Continuance of such Lease or Grant, provided there be no Covenant or Agreement to the contrary therein contained.

for the Provisions of this Act neither the Lord nor the Occupiers would be liable to be rated.

Not necessary to insert the Names of the Occupiers in any Rate.

Nor other Description of the Property rated than the Name of the Mine.

IV. It shall not be necessary, in any such Rate or Assessment, to insert the Names of the Occupiers of any such Mine, but it shall be sufficient to describe them generally, in any such Rate or Assessment, as "the Occupiers," and in the Description of the Property rated to describe the Mine by the Name by which it is generally known or other local Description.

Interpretation Clause. "Mine."

V. In the Construction of this Act the Word "Mine" shall mean any Mine, Works, or Operations carried on for the Purpose of searching for, raising, or rendering merchantable any Metals or Minerals the Occupiers of which are not now liable to be rated to the Relief of the Poor in England and Wales; the Word "Occupiers" shall mean the Adventurers for the Time being in any Mine, or other the Persons working the same by themselves, or their Agents or Workmen; the Word "Lord" shall mean the Owner for the Time being of the Metals and Minerals raised in the working of any such Mine before the raising thereof; and the Words "Lease or Grant" shall mean any Lease, Grant, Sett, Licence, or Agreement, whether in Writing or by Parol, under which any such Mine shall be worked.

"Occupiers."

"Lord."

"Lease or Grant."

Title of Act.

VI. This Act may be cited as "The Rating of Mines Act, 1856."

Rating of Mines,

A

BILL

To amend the Law in England and Wales with reference to the Assessment of Mines (other than Coal Mines) to the Relief of the Poor.

(Prepared and brought in by
Mr. Kendall, Sir Charles Lemon, and Mr. Michael Williams.)

Ordered, by The House of Commons, *to be Printed,*
24 *April* 1856.

[Bill 109.]

Under 1 *oz.*

31 *March* 1856. 19 VICT.

A

BILL

TO

Amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

Preamble.

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled respectively "An Act for the better Care and "Reformation of Youthful Offenders in Great Britain," and "An "Act to render Reformatory and Industrial Schools in Scotland "more available for the Benefit of Vagrant Children:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

School to which Youthful Offenders committed need not be named in the Sentence.

I. It shall not be necessary for any Court proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent at the Time of passing Sentence upon him, but such Court may, at its Discretion, make an Order in the Form now in use for Committals under the said Act, leaving a Blank for the Name of the Reformatory School to which such Youthful Offender is to be sent, and may subsequently, at any Time within *One Calendar Month* after the passing of such Sentence, fill up such Blank with the Name of any Reformatory School, duly certified under the said Act, which may be willing to receive him or her, or may at the Time of passing the original Sentence direct that such Youthful Offender be sent to such School (being a School duly certified as aforesaid) as may thereafter, and within *One Calendar Month* after the passing of such Sentence, be directed by any Two Justices acting for the County, Division, Riding, City, or Borough within which such Sentence has been passed: Provided that it shall not be lawful to detain such Youthful Offender in any Prison or House of Correction for any longer Time than that specified in his or her original Sentence, by reason of the School to which he or she is to be sent not having been named before the Expiration of the Time so specified.

Proviso.

Orders may be amended within One Month.

II. Any Court having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School or other similar Institution, may, at its Discretion, amend the same at any Time within *One Calendar Month* of the Date thereof, by substituting for the Name of such School or Institution the Name of any other School or Institution to which he or she might in the first instance legally have been sent, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents object on Religious Grounds.

III. If the Parents or Guardians or near Relatives of any young Person whom it may be intended to send to a Reformatory or Industrial School, under the Provisions of either of the said recited Acts or of this Act, certify to the Court at the Time of making the Order, or within *Seven* Days afterwards, that such young Person has been educated in the Religious Tenets of any particular Church or Denomination, and that they object to his or her being sent to any School or Institution in which Ministers of that Church or Denomination are not allowed to attend at reasonable Times for the Purpose of giving Religious Instruction to Children of their own Persuasion, it shall not be lawful for such Court to send any such young Person to any School or Institution where such Ministers are not so allowed to attend; and in case the Order has been made out before such Objection has been certified to them, they shall amend the same forthwith, and shall direct such young Person to be removed to a School or Institution to which such Objection does not apply.

Power of Secretary of State to order Removals, &c. not diminished.

IV. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, as set forth in the said recited Acts.

Expenses of Conveyance how to be met.

V. The Expense of conveying any young Person sentenced under the first-recited Act to the Reformatory School to which he has been committed, under an original or amended Order, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced under the secondly-recited Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from One School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Interpretation Clause.

VI. The Word "Court" shall include every Court, Judge, Police Magistrate, Stipendiary Magistrate, Justice or Justices of the Peace, Sheriff, or other Authority empowered by the said recited Acts or either of them, or by any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

Reformatory and Industrial Schools.

A

B I L L

To amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

(Prepared and brought in by
Sir Stafford Northcote and Mr. Liddell.)

Ordered, by The House of Commons, *to be Printed,*
31 *March* 1856.

[Bill 75.]

Under 1 *oz.*

18 *April* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

Preamble.

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled respectively "An Act for the better Care and "Reformation of Youthful Offenders in Great Britain," and "An "Act to render Reformatory and Industrial Schools in Scotland "more available for the Benefit of Vagrant Children:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

School to which Youthful Offenders committed need not be named in the Sentence.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent at the Expiration of the Sentence of Imprisonment to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and within Fourteen Days after the passing of such Sentence, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate, or by any Two Justices acting for the County, Division, Riding, City, or Borough within which such Sentence has been passed: Provided that it shall not be lawful to detain such Youthful Offender in any Prison or House of Correction for any longer Time than that specified in his or her original Sentence, by reason of the School to which he or she is to be sent not having been named before the Expiration of the Time so specified.

Proviso.

Orders may be amended within Fourteen Days.

II. Any Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School or other similar Institution, may, at his or their Discretion, amend the same at any Time within Fourteen Days of the Date thereof, by substituting for the Name of such School or Institution the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parents or Guardians or nearest Relatives of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making or amending of such Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or amended Order, and shall name another School or Institution in Great Britain or Ireland, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and that the Friends of such young Person are able and willing to pay the Expense of his or her Removal, then such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

Power of Secretary of State to order Removals, &c. not diminished.

IV. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, as set forth in the said recited Acts.

V. The

Expenses of Conveyance how to be met.

V. The Expense of conveying any young Person sentenced under the first-recited Act to the Reformatory School to which he has been committed, under an original or amended Order, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced under the secondly-recited Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from One School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Interpretation Clause.

VI. The Word "Court" shall include every Court, or the Chairman, Deputy Chairman, or senior Magistrate thereof, Judge, Police Magistrate, Stipendiary Magistrate, Justice or Justices of the Peace, Sheriff, or other Authority empowered by the said recited Acts or either of them, or by any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

Reformatory and Industrial Schools.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

(Prepared and brought in by
Sir Stafford Northcote and Mr. Liddell.)

Ordered, by The House of Commons, *to be Printed,*
18 *April* 1856.

[Bill 102.]

Under 1 *oz.*

22 *May* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

[Note.—*The Clauses marked* A. *to* D. *were added on Re-commitment.*]

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled respectively "An Act for the better Care and "Reformation of Youthful Offenders in Great Britain," and "An "Act to render Reformatory and Industrial Schools in Scotland "more available for the Benefit of Vagrant Children:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and within Fourteen Days after the

School to which Youthful Offenders committed need not be named in the Sentence.

the passing of such Sentence, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate, or by any Two Justices acting for the County, Division, Riding, City, or Borough within which such Sentence has been passed: Provided that it shall not be lawful to detain such Youthful Offender in any Prison or House of Correction for any longer Time than that specified in his or her original Sentence, by reason of the School to which he or she is to be sent not having been named before the Expiration of the Time so specified.

Proviso.

Orders may be amended within Fourteen Days.

II. Any Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School or other similar Institution, may, at his or their Discretion, make a Supplemental Order at any Time within Fourteen Days of the Date thereof, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parents or Guardians or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making or amending of such Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or amended Order, and shall name another School or Institution in Great Britain or Ireland, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion over and above that of sending him or her to the nearest certified School, then such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

IV. Nothing

Power of Secretary of State to order Removals, &c. not diminished.

IV. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, as set forth in the said recited Acts.

Expenses of Conveyance, how to be met.

V. The Expense of conveying any young Person sentenced under the first-recited Act to the Reformatory School to which he has been committed, under an original or supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced under the secondly-recited Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from One School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Clause A.
Governor of Prison to send Warrant and Copy with Child to Reformatory.

VI. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody, under Sentence, of any young Person who is ordered to be sent to any Reformatory or Industrial School, or other similar Institution, to forward with such young Person to such School or Institution an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and also to forward with such young Person a Copy of such Warrant, and at the Foot thereof to make a Memorandum, stating that the young Person named therein is identical with the Person delivered with such Copy Warrant to such School or Institution, and the said Copy and Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant so signed shall be a sufficient Authority for the Detention of such Young Person in such School or Institution.

Clause B.
What is sufficient Evidence as to Certificate of School and Identity of Child.

VII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, attested or signed, or purporting to be attested or signed, by the Governor or Keeper of the Gaol or House of Correction, or other Officer having Custody of such Warrant, accompanied by a Statement signed, or purporting to be signed, by the Manager or Superintendent, or Master or Matron of any Reformatory or Industrial School, or other similar Institution, that the young Person named in such Warrant was duly received into, and is, at the signing thereof, detained in such School or Institution, or has been otherwise disposed of according to Law, shall, in all Proceedings whatsoever, be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

CLAUSE C. Penalty on inducing Inmates to abscond.

VIII. When any young Person has been sent to any Reformatory or Industrial School, or other similar Institution, sanctioned by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magistrate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment, the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

CLAUSE D. Secretary of State to publish List of all Reformatory or Industrial Schools in Gazette.

IX. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the London and Edinburgh Gazettes a List of all Reformatory or Industrial Schools, or other similar Institutions, which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Interpretation Clause.

X. The Word "Court" shall include every Court, or the Chairman, Deputy Chairman, or senior Magistrate thereof, Judge, Police Magistrate, Stipendiary Magistrate, Justice or Justices of the Peace, Sheriff, or other Authority empowered by the said recited Acts or either of them, or by any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

Reformatory and Industrial Schools.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

(Prepared and brought in by
Sir Stafford Northcote and Mr. Liddell.)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1856.

[Bill 140.]

Under 1 *oz.*

26 *May* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

TO

Amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

[Note.—*The Clauses marked* A. *to* D. *were added on Re-commitment.*]

Preamble.

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled respectively "An Act for the better Care and "Reformation of Youthful Offenders in Great Britain," and "An "Act to render Reformatory and Industrial Schools in Scotland "more available for the Benefit of Vagrant Children:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

School to which Youthful Offenders committed need not be named in the Sentence.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which he or she has been sentenced, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate.

Supplemental Orders may be made.

II. Any Court, Judge, Sheriff, or Magistrate, or the Chairman or Deputy Chairman of such Court, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School, or in Scotland to any similar Institution, may, at his or their Discretion, make a Supplemental Order, in England at any Time before the Expiration of the Term of Imprisonment to which he or she has been sentenced, and in Scotland at any Time within Fourteen Days of the Date of the Order, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him or her, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parent or Guardian or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order or Supplemental Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or Supplemental Order, and shall name another School or Institution in Great Britain, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the nearest certified School, in case the Removal shall take place before the Expiration of his or her Imprisonment, and in case the Removal shall take place from one such School or Institution to another then to pay the whole Expense, such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

IV. Nothing

Power of Secretary of State to order Removals, &c. not diminished.

IV. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, or in Scotland from other similar Institutions, as set forth in the said recited Acts.

Expenses of Conveyance, how to be met.

V. The Expense of conveying any young Person sentenced in England under the first-recited Act or this Act to the Reformatory School to which he has been committed, under an original or Supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced in Scotland under either of the said recited Acts or this Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from one School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

CLAUSE A.

Governor of Prison to send Warrant and Copy with Child to Reformatory.

VI. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody under Sentence of any young Person who is ordered to be sent to any Reformatory or Industrial School, or in Scotland any other similar Institution, to forward with such young Person to such School or Institution an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and if no such Duplicate exists to forward with such young Person a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the young Person named therein and sent therewith is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or Copy to such Gaol or House of Correction, and the said Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such young Person in such School or Institution.

CLAUSE B.
What is sufficient Evidence as to Certificate of School and Identity of Child.

VII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or House of Correction from which the young Person in question was sent, as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent or Master or Matron of any Reformatory or Industrial School or other similar Institution, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School or Institution, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

CLAUSE C.
Penalty on inducing Inmates to abscond.

VIII. When any young Person has been sentenced under the first-recited Act to be detained in any Reformatory School, duly certified by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magistrate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

CLAUSE D.
Secretary of State to publish List of all Reformatory or Industrial Schools in Gazette.

IX. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the London and Edinburgh Gazettes a List of all Reformatory or Industrial Schools or other similar Institutions which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Interpretation Clause.

X. The Word "Court" shall include all Persons having Authority under the said recited Acts or either of them, or any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

Reformatory and Industrial Schools.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

(Prepared and brought in by Sir Stafford Northcote and Mr. Liddell.)

Ordered, by The House of Commons, *to be Printed,*
26 *May* 1856.

[Bill 153.]

Under 1 *oz.*

Reformatory and Industrial Schools Bill.

[AS AMENDED BY THE LORDS.]

ARRANGEMENT OF CLAUSES.

Preamble recites 17 & 18 Vict. c. 86. and 17 & 18 Vict. c. 74.

School to which Youthful Offenders committed need not be named in the Sentence; Sect. 1.

Supplemental Orders may be made; 2.

Young Persons not to be sent to Schools to which Parents, &c. object; 3.

Clause A.—As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland [*Added by the Lords*].

Power of Secretary of State to order Removals, &c. not diminished; 4.

Expenses of Conveyance, how to be met; 5.

Clause B.—Repeal of so much of first-recited Act as provides that youthful Offenders shall not be sent to Reformatory School until after Expiration of Sentence [*Added by the Lords*].

Governor of Prisons to send Warrant and Copy with Child to Reformatory; 6.

What is sufficient Evidence as to Certificate of School and Identity of Child; 7.

Penalty on inducing Inmates to abscond; 8.

Secretary of State to publish List of all Reformatory or Industrial Schools in Gazette; 9.

Clause C.—Justices may use the Forms set forth in the Schedule [*Added by the Lords*].

Clause D.—Recited Acts and Act 18 & 19 Vict. c. 87. to be read as Part of this Act [*Added by the Lords*].

Interpretation Clause; 10.

Schedule [*Added by the Lords*].

4 *July* 1856. 19 & 20 Vict.

A
BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

[*Note.—The Words in Italics and the Clauses* A. *to* D., *and also the Schedule, were added by the Lords, and the Word in erased Type was struck out by the Lords.*]

Preamble.

WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled respectively "An Act for the better Care and "Reformation of Youthful Offenders in Great Britain," and "An "Act to render Reformatory and Industrial Schools in Scotland "more available for the Benefit of Vagrant Children:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 86.

17 & 18 Vict. c. 74.

School to which Youthful Offenders committed need not be named in the Sentence.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which he or she has been sentenced, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate.

Supplemental Orders may be made.

II. Any Court, Judge, Sheriff, or Magistrate, or the Chairman or Deputy Chairman of such Court, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School, or in Scotland to any similar Institution, may, at his or their Discretion, make a Supplemental Order, in England at any Time before the Expiration of the Term of Imprisonment to which he or she has been sentenced, and in Scotland at any Time within Fourteen Days of the Date of the Order, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him or her, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parent or Guardian or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order or Supplemental Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or Supplemental Order, and shall name another School or Institution in Great Britain, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the ~~nearest~~ certified School *on which the Order shall have been made,* in case the Removal shall take place before the Expiration of his or her Imprisonment, and in case the Removal shall take place from one such School or Institution to another then to pay the whole Expense, such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

Provided

Added by the Lords.

Clause A. As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland.

Provided always, That if any such young Person who shall, under the Provisions of this Act, be sent from Scotland to any School out of Scotland, shall not have Right to a Settlement in any Parish therein, and might have been removed from Scotland under the Provisions of the Eighth and Ninth of Queen Victoria, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such young Person has become chargeable, had he or she not been sent out of Scotland under the Provisions of this Act, the Chargeability on such Parish for such young Person shall, on his or her being so sent out of Scotland, cease and determine.

Power of Secretary of State to order Removals, &c. not diminished.

IV. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, or in Scotland from other similar Institutions, as set forth in the said recited Acts.

Expenses of Conveyance, how to be met.

V. The Expense of conveying any young Person sentenced in England under the first-recited Act or this Act to the Reformatory School to which he has been committed, under an original or Supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced in Scotland under either of the said recited Acts or this Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from one School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Added by the Lords.

Clause B. Repeal of so much of first-recited Act as provides that youthful Offenders shall not be sent to Reformatory

So much of the said first-recited Act as provides that no youthful Offender shall be directed to be sent to any Reformatory School by any Court, Judge, Sheriff, or Magistrate, until after the Expiration of his Sentence, nor unless he shall be sentenced to a Punishment of Imprisonment for Fourteen Days at the least, shall be and is hereby repealed; and it shall henceforth be lawful for any such Court, Judge, Sheriff, or Magistrate, having Authority under the said recited Act or

Schools until after Expiration of Sentence.

this Act, to direct any such youthful Offender to be sent to and detained in any Reformatory School, to mitigate or commute any Sentence of Imprisonment which may be passed on any such Offender, so far as relates to the actual Confinement of such Offender in a common Prison or House of Correction, if in the Exercise of their or his Discretion it shall appear expedient so to do; and, in lieu thereof, it shall be lawful for such Court, Judge, Sheriff, or Magistrate to direct such Offender to be sent to and detained in a Reformatory School according to the Provisions of the said recited Act and this Act, as well during all or any Part of the Term of such Sentence as for any further Period not less than or exceeding the Limits prescribed by the said Act.

Added by the Lords.

Governor of Prison to send Warrant and Copy with Child to Reformatory.

VI. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody under Sentence of any young Person who is ordered to be sent to any Reformatory or Industrial School, or in Scotland any other similar Institution, to forward with such young Person to such School or Institution an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and if no such Duplicate exists to forward with such young Person a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the young Person named therein and sent therewith is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or Copy to such Gaol or House of Correction, and the said Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such young Person in such School or Institution.

What is sufficient Evidence as to Certificate of School and Identity of Child.

VII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or House of Correction from which the young Person in question was sent, as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent or Master or Matron of any Reformatory or Industrial School or other similar Institution, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such

School or Institution, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

Penalty on inducing Inmates to abscond.

VIII. When any young Person has been sentenced under the first-recited Act to be detained in any Reformatory School, duly certified by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magistrate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

Secretary of State to publish List of all Reformatory or Industrial Schools in Gazette.

IX. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the London and Edinburgh Gazettes a List of all Reformatory or Industrial Schools or other similar Institutions which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Added by the Lords.

Clause C. Justices may use the Forms set forth in the Schedule.

It shall be lawful for any Justice or Justices of the Peace in England or Wales proceeding under this Act, or under the said first-recited Act, or under the Act passed in the last Session of Parliament, Chapter Eighty-seven, for amending the same, to use the Forms of Conviction and Commitment, Complaints, Summonses, Orders, and Warrants, set forth in the Schedule to this Act annexed, so far as the same are applicable to each Case.

CLAUSE D.
Recited Acts and Act 18 & 19 Vict. c. 87. to be read as Part of this Act.

The said recited Acts of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, and the said Act of the Eighteenth and Nineteenth Years of Her Reign for amending the same, shall be read as Part of this Act.

Added by the Lords.

Interpretation Clause.

X. The Word "Court" shall include all Persons having Authority under the said recited Acts or either of them, or any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

SCHE-

SCHEDULE.

[The whole of the Schedule was added by the Lords.]

(A.)

Conviction where the Reformatory School is named at the Time of Conviction (17 & 18 Vict. c. 86. s. 2.)

to wit. } Be it remembered, That on the Day of in the Year of our Lord , at in the [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., stating the Offence in the usual Manner*]; and we adjudge the said *A.B.*, for his said Offence, to be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there kept to Hard Labour*] for the Space of ; and we also direct, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, the said *A.B.* to be sent, at the Expiration of his [*or* her] said Sentence (*), to the Reformatory School at in the County of , (the Directors *or* Managers thereof being willing to receive him [*or* her] therein), and there detained for the Period of , commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given under our Hands and Seals the Day and Year first above mentioned at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(B.)

Commitment upon the last Conviction.

to wit. } To the Constable of , and to the Keeper of the [*House of Correction*] at in the said [*County*] of

Whereas *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.*, for his said Offence, should be imprisoned in the [*House of Correction*] at in the said [*County*],

[*County*], [*and there kept to Hard Labour*] for the Space of ; and it was also thereby directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to the Reformatory School at in the County of (the Directors *or* Managers thereof being willing to receive him therein), there to be detained for the Period of commencing from the Day of next [*the Date of the Expiration of the Sentence*]:

These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [*and keep him to hard Labour*] for the Space of : [And we further command you, the said Keeper, to send the said *A.B.* at the Expiration of his said Sentence to the said Reformatory School at aforesaid as and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Chapter]: And for so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L.S.)
L.M. (L.S.)

(C.)

Conviction where School not named at the Time of Conviction
(19 & 20 Vict. c. . s. 1.)

Proceed to the Asterisk (*) *in the Form* (A.), *and then say*, To some Reformatory School, duly certified under the said Acts, as we may hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in this Behalf, and there detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given, *&c.*

(D.)

Commitment under the last Conviction.

Proceed to the Asterisk (*) *in the Form* (B.), *and then say,* To some Reformatory School, duly certified under the said Acts, as we might hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in that Behalf, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]; and of which Order and Direction you the said Keeper of the said [*House of Correction*] will have due Notice:

These are therefore [*&c., as in the Form* (B.), *omitting the Words* " And we further command you," *&c., between Brackets*].

(E.)

Order of Justices naming the Reformatory School, when not named at the Time of Committal (19 & 20 Vict. c . s. 1.

To the Keeper of the [*House of Correction*] at ,
and to all others whom it may concern.

to wit. } Whereas *A.B.* of, *&c.* was on the Day of committed by our Warrant to the Custody of you the said Keeper of the said [*House of Correction*] for the Space of , and he is now in your Custody therein; and by the Conviction and Warrant in that Behalf it was directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to some Reformatory School, as we might thereafter name, order, and direct, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]: And whereas the Directors [*or* Managers] of the Reformatory School at in the County of are willing to receive the said *A.B.* therein; now, therefore, we, the said Justices, do order and direct, pursuant to the Acts aforesaid, that the said *A.B.* shall be sent, at the Expiration of the said Term of Imprisonment to which he has been so sentenced, to the said Reformatory School at aforesaid, there to be detained for the Period of Years, commencing from the said Day of ; and we do hereby command you the said Keeper to obey this our Order and Direction accordingly, and in the Manner directed by

Section VI. of the Statute 19th & 20th Victoria, Cap. .; and for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J. S. (L. S.)
L.M. (L. S.)

[*N.B.*—A Copy or Duplicate of this Order should accompany the Commitment when the Offender is sent to the Reformatory School.]

(F.)

Supplemental Order of Justices changing the Reformatory Schoo. (19 & 20 Vict. c. . s. 2.)

Proceed as in the Form (E.) *to the Asterisk* (*) *and then say,* To the Reformatory School at in the County of , there to be detained for the Period of Years, commencing from the Day of : And whereas it appears to us desirable that the Name of the said Reformatory School should be exchanged for the Name of the Reformatory School at in the County of (the Directors *or* Managers of which said last-mentioned School being willing to receive the said *A.B.* therein): Now, therefore, we, the said Justices, do, by this our Supplemental Order, made pursuant to the Act in that behalf, exchange the Name of the said Reformatory School accordingly; and do hereby command you, the said Keeper of the said [*House of Correction*] at aforesaid, to send and transfer the said *A.B.* to the said last-mentioned Reformatory School at aforesaid instead of the School named and directed in our aforesaid Warrant of Commitment.

Given, &c. [*as in the Form* (E.)]

(G.)

Complaint for enforcing in England and Wales Contribution to the Maintenance of a Youthful Offender from the Parent (18 & 19 Vict. c. 87. s. 2.)

to wit. } THE Complaint of *C.D.* of, *&c.*, who has been duly authorized by , One of Her Majesty's Principal Secretaries of State, to take Proceedings in this behalf, under the Statute 18th & 19th Victoria, Chapter 87, made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said

County of , this Day of in the Year of our Lord at in the same County, who saith, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Reformatory School at in the County of , under the Acts for the better Care and Reformation of Youthful Offenders, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of is the Parent [*or* Step-parent] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son: (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*
J.S.
L.M.

(H.)

Summons to the Parent.

(*This will be in the Form* (A.) *in the Schedule to the* 11*th* & 12*th Vict. Cap.* 43.)

(I.)

Order on Parent to contribute a Weekly Sum.

Be it remembered, That on this Day of in the Year of our Lord 185 , at in the [*County*] of a certain Complaint of *C.D.* of, *&c.*, who was duly authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings in this Behalf, under the Statute 18th & 19th Victoria, Cap. 87., for that one *A.B.* of, *&c.* [*stating the Cause of Complainant, as in the Form* (G.) *between the Asterisks* (*) (*)], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of (in the Presence and Hearing of the said *C.B.*, *if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on Consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said *C.D.*, or to such other Person as the said Secretary of State may from Time to Time appoint to receive the same, the Sum of Shillings per Week from the Date of this Order until the

Day

Day of , the same to be paid at the Expiration of each [Twenty-eight, *or, as the Case may be*, Days].

Given under our Hands and Seals the Day and Year first above-mentioned, at in the [*County*] aforesaid.

J.S. (L. S.)
L.M. (L. S.)

(K.)

Distress Warrant for Amount in arrear.

to wit. } To the Constable of , and to all other Peace Officers in the said [*County*] of .

Whereas upon the Hearing of a Complaint made by One of Her Majesty's Principal Secretaries of State under the Statute 18th & 19th Victoria, Chapter 87, that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (G.) *between the Asterisks* (*) (*)], an Order was made on the Day of in the Year of our Lord by us, the undersigned [*or* by *L. M.* and *J. H.*], Two of Her Majesty's Justices of the Peace in and for the said [*County*] of against the said *C.B.*, to pay to *C.D.* of, *&c.*, or to such other Person as the said Secretary of State might from Time to Time appoint to receive the same, the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [*Twenty-eight*] Days [*or, as the Case may be*](*): And whereas there is due upon the said Order the Sum of being for [*Three*] Periods of [*Twenty-eight*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattles of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the of that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same unto us, to the End that such Proceedings may be had therein as to the Law doth appertain.

Given under our Hands and Seals this Day of in the Year of our Lord at in the [*County*] aforesaid.

J. S. (L. S.)
L. M. (L. S.)

(L.)

Commitment in default of Distress.

to wit. } To the Constable of and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS [*&c., as in the last Form* (K.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L. M.*, Esquire, [*or* *J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [*Three*] Periods of [*Twenty-eight*] Days, by Distress and Sale of the Goods and Chattels of the said *C. B.*: And whereas a Return has this Day been made to me the said Justice [*or*, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found: These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *C.D.* into your Custody in the said [*House of Correction*], there to imprison him for the Term of , unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said [*House of Correction*], amounting to the further Sum of , shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L. S.)

Reformatory and Industrial Schools.

A

BIL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools.

(*Brought from the Lords 4th July* 1856.)

Ordered, by The House of Commons, *to be Printed,*
4 *July* 1856.

[Bill 220.]

Under 2 oz.

19 *February* 1856. 19 VICT.

(Scotland.)

A

BILL

TO

Make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Decree against Parents for Support of Children in Reformatory Schools may be for Payment of weekly Sum, enforceable weekly.

I. In every Case in which any young Person in Scotland shall have been sent to a Reformatory or Industrial School or other similar Institution, under the Provisions of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, "to "render Reformatory and Industrial Schools in Scotland more avail- "able for the Benefit of Vagrant Children," or under the Provisions of this Act, it shall be lawful for the Inspector of the Poor of the Parish which may be either in the first instance or ultimately liable for the Support of such young Person at such School or Institution, as well as for the Treasurer or other Officer thereof, to raise an Action against the Parents or Step-parents of such young Person or other Persons who may be liable for his Support, for Payment of a weekly Sum, to be applied to the Cost of Support and other

Expenses incurred or to be incurred by the Directors or other Managers of such School or Institution in regard to such young Person, and such Action may be brought in the Sheriff's Small Debt Court of the County in which the Order to send such young Person to such School or Institution was pronounced, or of the County in which the Defender in such Action may happen to reside; and it shall be lawful for the Sheriff before whom such Action, whether at the Instance of such Inspector or of such Treasurer or other Officer as aforesaid, is brought, to inquire into the Circumstances of the Party sued, and to pronounce Decree for such weekly Sum as he shall think fit, not exceeding *Five Shillings* per Week, during the Period of the Continuance at such School or Institution of such young Person, or, in his Discretion, to dismiss the Action; and such Decree shall be held to be and shall have all the Effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week; and the Inspector of the Poor recovering any such weekly Sums shall every Quarter of a Year pay over the Amount received by him to the Treasurer or other Officer of such School or Institution, and the same shall be imputed, pro tanto, in satisfaction of the Claim of the Directors or other Managers of such School or Institution against such Inspector in respect of such young Person.

Young Persons may be kept in Custody for Twenty four Hours before pronouncing Order for Transmission to School.

II. Where any young Person shall be brought before any Sheriff, Magistrate, or Justice of the Peace, under the Provisions of the said recited Act, it shall be lawful for such Sheriff, Magistrate, or Justice of the Peace, when he sees fit, before ordering the Transmission of such young Person to any such School or Institution as aforesaid, to pronounce an Order authorizing such young Person to be kept in Custody for such Period as he may deem necessary for Intimations and Inquiry, but not exceeding in any Case *Twenty-four* Hours, in the Poor's-house of the Parish or Combination within which such young Person was found, or where there is no such Poor's-house, or where it is at an inconvenient Distance, in such other Place of Custody as he may appoint, and to be again brought before him or any acting Magistrate or Justice of the Peace within such Period; and the Keeper of such Poor's-house shall be bound to receive and retain such young Person therein, providing him with sufficient Food; and any other Person whom such Sheriff, Magistrate, or Justice of the Peace shall authorize to take charge of such young Person shall, by virtue of such Authority, be entitled to keep him in Custody for the Period authorized and in the Place appointed as aforesaid; and when such young Person shall, in pursuance of such Order as aforesaid, be again brought before any such Sheriff, Magistrate, or Justice of the Peace, such Sheriff, Magistrate, or Justice of the Peace may, if he sees fit, pronounce an Order for transmitting him to any such School or Institution, according to the Provisions of the said recited Act and this Act.

III. Where

Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.

III. Where Security for the good Behaviour of any such young Person as aforesaid, in Terms of the Provisions of the First Section of the said recited Act, shall, whether before or after the pronouncing of an Order for transmitting him to any such School or Institution, be offered by any Person, other than his Parent or Guardian, or the Inspector of the Poor of any Parish which may be ultimately liable for his Support, and in which there shall have been established by the Parochial Board thereof a Reformatory or Industrial School, sanctioned under the said recited Act, it shall be lawful for the Sheriff, Magistrate, or Justice of the Peace before whom such Security is offered, to inquire into the Way in which such young Person is to be disposed of, and the Means to be provided for his Up-bringing; and if he shall not be satisfied with the Result of such Inquiry, it shall be lawful for him, in his Discretion, to refuse to receive the Security so offered.

Power to discharge from School before Expiry of Period of Attendance.

IV. It shall be lawful for any Sheriff, Magistrate, or Justice of the Peace, on the Application of the Directors or Managers of any School or Institution to which any such young Person may have been transmitted, under the Provisions of the said recited Act or of this Act, if satisfied that a suitable Opening of Employment for him has occurred, or if he shall otherwise see Cause, to discharge such young Person from such School or Institution before the Expiry of the Period for which he may have been sent there.

Local Reformatories may receive Youthful Offenders and Vagrant Children.

V. Where in any City, Town, or Place, there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for Youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the said recited Act or this Act, or the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Eighty-six, "for the better Care "and Reformation of Youthful Offenders in Great Britain," or any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

Substitution of new Schedules.

VI. Instead of the Schedules (A.) and (B.) to the said recited Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, annexed, the Schedules (A.) and (B.) to this Act annexed shall respectively be substituted and used.

Intimation to Inspector of Poor.

VII. The Inspector of the Poor of the Parish in which any young Person brought before any Sheriff, Magistrate, or Justice of the Peace, under the Provisions of the said recited Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, has been found, is hereby declared to be and shall be deemed the Inspector of the Poor to whom Intimation is, by the First Section thereof, directed to be made.

SCHEDULES.

SCHEDULE (A.)

I *A.B.* [Sheriff, *or* Magistrate, *or* Justice of the Peace of *as the Case may be*], under the Powers of the Reformatory Schools (Scotland) Acts, 1854 and 1856, hereby order that *C.D.*, apparently of the Age of Years, who was brought before me under the Provisions of the said Acts, be taken to the School at , thereat to remain, under the Powers and Provisions of the said Acts, for the Period of , or until he be discharged therefrom, or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE (B.)

I [*or* We] [*name and design the Cautioners*] do hereby judicially enact myself [*or* ourselves] in the Books of the Court at , and bind and oblige myself [*or* ourselves], and my [*or* our] Heirs, Executors, and Successors, jointly and severally, under the Penalty of , for the good Behaviour of *C.D.*, and especially that he shall not commit any Offence, nor resort to common Begging, nor be found wandering being without any proper Guardianship, and that for the Period of Calendar Months, all in Terms of the Reformatory Schools (Scotland) Acts, 1854 and 1856.

Subscribed by me [*or* us] at this Day of before these Witnesses, *E.F.* and *G.H.* [*designing them respectively*].

Reformatory Schools (Scotland).

A

BILL

To make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

(*Prepared and brought in by*
Mr. Dunlop and Mr. Kinnaird.)

Ordered, by the House of Commons, *to be Printed*,
19 *February* 1856.

[Bill 42.]

Under 1 *oz.*

13 *March* 1856. 19 Vict.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

[Note.—*The Clauses marked* A., B., C., *and* D. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Decree against Parents for Support of Children in Reformatory Schools may be for Payment of weekly Sum, enforceable weekly.

I. In every Case in which any young Person in Scotland shall have been sent to a Reformatory or Industrial School or other similar Institution, under the Provisions of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, "to "render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children," or under the Provisions of this Act, it shall be lawful for the Inspector of the Poor of the Parish which may be either in the first instance or ultimately liable for the Support of such young Person at such School or Institution, as well as for the Treasurer or other Officer thereof, to raise an Action against the Parents or Step-parents of such young Person or other Persons who may be liable for his or her Support, for Payment of a weekly Sum, to be applied to the Cost of Support and other

Expenses incurred or to be incurred by the Directors or other Managers of such School or Institution in regard to such young Person, and such Action may be brought in the Sheriff's Small Debt Court of the County in which the Order to send such young Person to such School or Institution was pronounced, or of the County in which the Defender in such Action may happen to reside; and it shall be lawful for the Sheriff before whom such Action, whether at the Instance of such Inspector or of such Treasurer or other Officer as aforesaid, is brought, to inquire into the Circumstances of the Party sued, and to pronounce Decree for such weekly Sum as he shall think fit, not exceeding Five Shillings per Week, during the Period of the Continuance at such School or Institution of such young Person, or, in his Discretion, to dismiss the Action; and such Decree shall be held to be and shall have all the Effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week; and the Inspector of the Poor recovering any such weekly Sums shall every Quarter of a Year pay over the Amount received by him to the Treasurer or other Officer of such School or Institution, and the same shall be imputed, pro tanto, in satisfaction of the Claim of the Directors or other Managers of such School or Institution against such Inspector in respect of such young Person.

Young Persons may be kept in Custody for Forty-eight Hours before pronouncing Order for Transmission to School.

II. Where any young Person falling within the Provisions of the First Section of the said recited Act shall be brought before any Sheriff, Magistrate, or Justice of the Peace, it shall be lawful for such Sheriff, Magistrate, or Justice of the Peace, when he sees fit, and before ordering the Transmission of such young Person to any such School or Institution as aforesaid, to pronounce an Order authorizing such young Person to be kept in Custody for such Period as he may deem necessary for Intimations and Inquiry, but not exceeding in any Case Forty-eight Hours, in the Poor's-house of the Parish or Combination within which such young Person was found, or where there is no such Poor's-house, or where it is at an inconvenient Distance, in such other Place of Custody, not being a Prison, as he may appoint, and to be again brought before him or any acting Magistrate or Justice of the Peace within such Period; and the Keeper of such Poor's-house shall be bound to receive and retain such young Person therein, providing him with sufficient Food; and any other Person whom such Sheriff, Magistrate, or Justice of the Peace shall authorize to take charge of such young Person shall, by virtue of such Authority, be entitled to keep him in Custody for the Period authorized and in the Place appointed as aforesaid, at such Charge as the Sheriff, Magistrate, or Justice of the Peace shall fix, and which the Inspector of the Poor of the Parish in which such Person was found shall in the first instance be bound to defray; and when such young

Person shall, in pursuance of such Order as aforesaid, be again brought before any such Sheriff, Magistrate, or Justice of the Peace, such Sheriff, Magistrate, or Justice of the Peace may, if he sees fit, pronounce an Order for transmitting him or her to any such School or Institution, according to the Provisions of the said recited Act and this Act.

CLAUSE A. Where young Persons brought up under Police Act, Procedure may go on thereunder till Order for Transmission to School.

III. Where any such young Person as aforesaid brought before any Sheriff or Magistrate shall have been so brought, by virtue of the Provisions contained in any Local or General Police Act, on a Charge of Begging or Vagrancy, the said recited Act and this Act shall be held as incorporated in such Police Act to the Effect of enabling such Sheriff or Magistrate, sitting as Judges of Police, if he shall think fit, to pronounce, in the Form of the Schedule (A.) to this Act annexed, an Order for transmitting such young Person to any such Reformatory or Industrial School or other Institution as aforesaid, instead of any Sentence which under such Police Act it would have been competent for him to pronounce; all the Powers of Apprehension and Detention provided for Cases of Begging or Vagrancy being hereby reserved in full Force and Effect, with reference to such young Person, till Liberation upon Caution in Terms of the said recited Act and this Act, or in failure thereof till the pronouncing of such Order of Transmission as aforesaid.

CLAUSE B. Inspector may recover, notwithstanding no previous Notice of Chargeability.

IV. Where the Inspector of the Poor of any Parish liable in the first instance for the Support of any such young Person as aforesaid shall have incurred any Expense or made any Payment in respect of the Custody of such Person as aforesaid before the pronouncing of an Order for transmitting him or her to a Reformatory or Industrial School or other similar Institution, or shall have made any Payment towards the Support of such young Person in such School or Institution, such Inspector shall be entitled to sue for the same the Inspector of the Parish ultimately liable for the Support of such young Person, notwithstanding that no previous Notice of Chargeability may have been given; provided always, that within Eight Days after any such Payment shall have been made or any such Expense shall have been incurred due Notice thereof shall have been given to the Inspector of the Parish so ultimately liable.

Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.

V. Where Security for the good Behaviour of any such young Person as aforesaid, in Terms of the Provisions of the First Section of the said recited Act, shall, whether before or after the pronouncing of an Order for transmitting him to any such School or Institution, be offered by any Person, other than his or her Parent or Guardian, or the Inspector of the Poor of any Parish which may be ultimately liable for his or her Support, and in which there shall have been established by the Parochial Board thereof a Reformatory or Industrial School, sanctioned under the said recited Act, it shall be lawful for the Sheriff, Magistrate, or Justice of the Peace before whom such Security is offered, to inquire into the Way in which such young Person is to be disposed of, and the Means to be provided for his Up-bringing; and if he shall not be satisfied with the Result of such Inquiry, it shall be lawful for him, in his Discretion, to refuse to receive the Security so offered.

Power to discharge from School before Expiry of Period of Attendance.

VI. It shall be lawful for any Sheriff, Magistrate, or Justice of the Peace, on the Application of the Directors or Managers of any School or Institution to which any such young Person may have been transmitted, under the Provisions of the said recited Act or of this Act, or of the Inspector of the Poor of the Parish in the first instance or ultimately liable for his or her Support, if satisfied that a suitable Opening of Employment for him has occurred, or if he shall otherwise see Cause, to discharge such young Person from such School or Institution before the Expiry of the Period for which he may have been sent there.

Local Reformatories may receive Youthful Offenders and Vagrant Children.

VII. Where in any City, Town, or Place, there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for Youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the said recited Act or this Act, or the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Eighty-six, "for the better Care "and Reformation of Youthful Offenders in Great Britain," or the Act of the Eighteenth and Nineteenth Years of Queen Victoria, Chapter Eighty-seven, to amend the said recited Acts, or under any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

Substitution of new Schedules.

VIII. Instead of the Schedules (A.) and (B.) to the said recited Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, annexed, the Schedules (A.) and (B.) to this Act annexed shall respectively be substituted and used.

Intimation to Inspector ot Poor.

IX. The Inspector of the Poor of the Parish in which any young Person brought before any Sheriff, Magistrate, or Justice of the Peace, under the Provisions of the said recited Act of the Seventeenth and

Eighteenth Years of Queen Victoria, Chapter Seventy-four, has been found, is hereby declared to be and shall be deemed the Inspector of the Poor to whom Intimation is by the First Section thereof directed to be made.

CLAUSE C.
Schools not to be certified both under Chapter 74. and Chapter 86. of 17 & 18 Vict.

X. No Reformatory or Industrial School or other similar Institution shall hereafter be sanctioned or certified under both of the said recited Acts, Chapters Seventy-four and Eighty-six, of the Seventeenth and Eighteenth Years of Queen Victoria.

CLAUSE D.
Short Titles.

XI. The said recited Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, and this Act, may respectively be cited for all Purposes as "The Reformatory Schools (Scotland) Act, 1854," and "The Reformatory Schools (Scotland) Act, 1856."

SCHEDULES.

SCHEDULE (A.)

At the Day of

I *A.B.* [Sheriff, *or* Magistrate, *or* Justice of the Peace of *as the Case may be*], under the Powers of the Reformatory Schools (Scotland) Acts, 1854 and 1856, hereby order that *C.D.*, apparently of the Age of Years, be taken to the School at , thereat to remain, under the Powers and Provisions of the said Acts, for the Period of , or until he be discharged therefrom, or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

SCHEDULE (B.)

I [*or* We] [*name and design the Cautioners*] do hereby judicially enact myself [*or* ourselves] in the Books of the Court at , and bind and oblige myself [*or* ourselves], and my [*or* our] Heirs, Executors, and Successors, jointly and severally, under the Penalty of , payable to and recoverable by the Procurator Fiscal of Court for the Time being, for the good Behaviour of *C.D.*, and especially that he shall not commit any Offence, nor resort to common Begging, nor be found wandering being without any proper Guardianship, and that for the Period of Calendar Months, all in Terms of the Reformatory Schools (Scotland) Acts, 1854 and 1856.

Subscribed by me [*or* us] at this Day of before these Witnesses, *E.F.* and *G.H.* [*designing them respectively*].

Reformatory Schools (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

(Prepared and brought in by
Mr. Dunlop and Mr. Kinnaird.)

Ordered, by the House of Commons, *to be Printed*,
13 *March* 1856.

[Bill 70.]

Under 1 *oz.*

9 *May* 1856. 19 Vict.

(Scotland.)

A

BILL

TO

Provide for the Registration of long Leases in Scotland, and Assignations thereof.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the *passing of this Act*, it shall be lawful for the Keepers of the several Particular and Burgh Registers of Sasines in Scotland to record in such Registers all Leases for a Period of *Ninety-nine* Years, and for any greater Number of Years that shall be stipulated, whether executed before or after the passing of this Act, of Lands and Heritages situated within the District or Burgh for which such Register is provided, and the Assignations, Assignations in Security, and Translations thereof, herein-after mentioned; and the said Keepers are hereby required to record the same, when presented to them by or on behalf of the Lessee in such Lease, or other Party in right thereof, or of such Assignations, Assignations in Security, or Translations, respectively.

Long Leases and Assignations registerable in Register of Sasines.

II. No Lease for a Period of *Ninety-nine Years* and upwards, executed after the *passing of this Act*, shall make faith or be

Long Leases executed after Act not

to make faith against Singular Successors, unless recorded.

effectual against any Singular Successor who has acquired a perfect and lawful Right to the Lands and Heritages thereby let, unless it shall have been recorded as herein provided, anything in an Act of the Parliament of Scotland passed in the Year One thousand four hundred and forty-nine, and intituled "The Buyers of Lands should keep "the Tacks set before the buying," to the contrary notwithstanding.

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Lessee for the Time being appearing on the Register as in Right of such Lease, but in accordance always with the Conditions and Stipulations thereof, and not otherwise, to assign the same, in whole or in part, by Assignation, in the Form, as nearly as may be, of the Schedule (A.) to this Act annexed, and the recording of such Assignation shall fully vest the Assignee with the Right in and to such Lease.

Assignations in Security.

IV. It shall be lawful for the Lessee for the Time being appearing on the Register as in Right of any such Lease recorded as aforesaid to grant Assignations thereof in Security, for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, in the Form, as near as may be, of the Schedule (B.) to this Act annexed; and the recording of any such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease, and shall be as effectual, although the Lessee remain in possession under the Lease, as if actual Possession had followed in the Person of the Creditor or Party in Right of such Assignation in Security; and all such Assignations in Security shall be preferable according to the respective Dates of recording.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, make Application to the Sheriff of the County within which the Lands and Heritages leased are situate, for a Warrant to record the same on his Presentation, as that of the Party in Right thereof; and the Sheriff, after causing such Intimation and Advertisement to be made as he shall deem proper, and hearing any Parties duly interested who may appear to oppose the Application, and after examining such Deeds or other competent Evidence as may be adduced, shall, if satisfied that the Applicant is the Party in Right of such Lease or Assignation in Security pronounce an Interlocutor in the Form, as near as may be, of the Schedule (C.) to this Act annexed, finding that such Applicant has Right to such Lease or Assignation in Security, as the Heir or as the Assignee of the original Lessee or original Assignee, or otherwise, as the Case may be, with the Dates of any Writs or Decreets by which such Right may be established, and the Dates of recording of such Writs when recorded, the Register where, and the Volume and Pages thereof on which, recorded, and containing a Warrant for recording such Lease or Assignation in Security as aforesaid; and the Keeper of the Register, on such Interlocutor being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Interlocutor.

Translation of Assignation in Security.

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable by Translation in the Form, as near as may be, of the Schedule (D.) to this Act annexed; and on such Translation being recorded the Party in whose Favour it was granted shall be vested with the full Right of the Creditor or Party in Right of such Assignation in Security, and the Creditor or Party in Right of such Assignation in Security shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for *Six Months* after such Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Subtenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease; and such Landlord shall not be entitled to sue the Lessee for an Irritancy of the Lease for Nonpayment of Rent, without calling the Creditor or Party appearing on the Register as in Right of any such Assignation in Security, and who shall have intimated his Right to the Landlord as a Party to the Action.

Creditor's Entry to Possession in default of Payment.

Creditor to be called in Action of Irritancy.

VII. Where any Party fully vested in right of any such Lease or Assignation in Security recorded as aforesaid shall have died without having executed any Assignation thereof in manner before mentioned, it shall be competent for his Heir to complete his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Lessee in the Lease of or on which such Assignation in Security has been granted, respectively, in the Form, as nearly as may be, of the Schedule (E.) to this

Heir may complete Title by Writ of Acknowledgment.

this Act annexed; and on such Writ being recorded in the Register in which such Lease or Assignation in Security is registered the Heir in whose Favour such Writ has been granted shall be vested with the full Right to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Lessee granting such Writ shall affect the Right or Title of such Heir, if such Proprietor or Lessee appear on the Register, at the Time of the granting of such Writ, as the Proprietor infeft, or the Lessee recorded as in right of the Lease, respectively.

Heir or Disponee may apply to Sheriff for Warrant to register.

10 & 11 Vict. c. 47.

VIII. It shall be competent to the Heir or Disponee of any Party who shall have died fully vested in right of any such Lease or Assignation in Security, recorded as aforesaid, without having executed any Assignation thereof in manner before mentioned, to apply to the Sheriff of the County within which the Lands and Heritages leased are situate, for Warrant to be entered on the Register as now in Right of such Lease or Assignation in Security; and the Sheriff shall proceed thereon in the Manner prescribed by the Tenth Section of the Tenth and Eleventh of Queen Victoria, Chapter Forty-seven, in regard to Petitions for Service of Heirs, and, if satisfied that the Applicant has the just and lawful Right to such Lease or Assignation in Security, shall pronounce an Interlocutor in the Form, as near as may be, of the Schedule (F.) to this Act annexed, containing a Finding to that Effect, and a Warrant to record such Interlocutor; and the recording of such Interlocutor shall complete the Right of the Applicant to such Lease or Assignation in Security.

In Assignations in part, Tack Duty may be apportioned.

IX. Where the Lessee in any such Lease, recorded as aforesaid, shall assign the same in part, it shall be lawful for him, unless prohibited by Stipulation in the Lease, to fix the Proportion of the Rent or Tack Duty which shall be payable to the Landlord in respect of the Portion of the Lands and Heritages leased with reference to which such Assignation is granted, such Proportion being always equal to that of the Area of such Portion of the Lands and Heritages as compared with the whole Area of the Lands and Heritages leased, and the Assignee shall not be liable to the Landlord for any greater Proportion of such Rent or Tack Duty.

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Lessee or Creditor, or against the Heir of such Lessee or Creditor, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security.

Trustees on sequestrated Estate, and Adjudgers in Implement, may be entered on Register.

XI. On Production to the Keeper of the Register of a duly certified Copy of the Act and Warrant of Confirmation of the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid, or of an Extract of a Decree of Adjudication of any such Lease or Assignation in Security, in Implement, such Keeper shall make an Entry thereof in the Register in the Form, as near as may be, of the Schedule (G.) to this Act annexed; and the making of such Entry shall complete the Right of such Trustee or of the Adjudger in Implement to such Lease or Assignation in Security.

Transfer only valid in manner mentioned in Act.

XII. No Assignation nor Assignation in Security of any such Lease recorded as aforesaid, and no Transfer or Conveyance of any such Lease or Assignation thereof in Security, unless made in manner herein mentioned, shall be valid or effectual.

Renunciations and Discharges to be recorded.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedule (H.) to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly mark the same on the Margin of such Register, opposite the Entry of such Lease or Assignation respectively.

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, or Interlocutor recorded in the Register of which he is the Keeper, he shall make an Entry thereof on the Margin of such Register, opposite the Record of the Lease, Assignation, Assignation in Security, Translation, or Interlocutor reduced respectively.

Mode of registering. Extracts to make faith.

XV. Leases, Assignations, Assignations in Security, Translations, Interlocutors, and Writs duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Books of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Books, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of Writings registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writings registered, except where the Writings so registered are offered to be improven.

Sub-Leases not within Act.

XVI. No Sub-Lease shall be deemed a Lease within the Intent and Meaning of this Act.

Sub-Leases for more than Nineteen Years not effectual against Singular Successor.

XVII. No Sub-Lease for a longer Period than *Nineteen* Years of any Lands or Heritages, or Part thereof, let by a Lease recorded as aforesaid, shall be valid or effectual against any Singular Successor in such Lease who shall have completed his Right thereto as aforesaid, or any Party who shall have completed his Right under an Assignation thereof in Security as aforesaid, excepting where both such Lease and such Sub-Lease shall have been executed prior to the *passing of this Act.*

Import of Clauses in Schedules.

10 & 11 Vict. c. 50.

XVIII. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

Short Title.

XIX. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1856."

SCHEDULES.

SCHEDULE (A.)

FORM OF ASSIGNATION OF LEASE.

I, *A.B.*, Lessee under a Lease of a Piece of Ground [*or as the Case may be, and shortly and in general Terms describing the Property*] granted by *C.D.*, of Date , and recorded [*insert Register, with Date, Book, and Folio of recording*], and [*where the Cedent is not the original Lessee*] my Right to which is registered [*Date, Book, and Folio of recording*], in consideration of the Sum of [*or as the Case may be*], assign and dispone to *E.F.* and his Heirs [*or as the Case may be*], with Entry as at [*Term of Entry*]; [and I grant Warrandice, *or* [*where the Lease is assigned in part only*] the said Lease, but in so far only as regards the following Portion of the Subjects leased, viz. [*specify the particular Portion of the Property leased which is to be conveyed*], with Entry as at [*Term*]. And I declare the Rent effeiring to the said Portion to be ; and I grant Warrandice; and I assign the Writs.

[*Vesting Clause in common Form.*]

SCHEDULE (B.)

FORM OF ASSIGNATION IN SECURITY.

I, *A.B.*, bind myself, my Heirs and Executors, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, *or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime [*as the Case may be*], with the legal Interest of the said Capital Sum payable by equal Portions half yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in security of the personal Obligation before written, I assign and dispone to the said *C.D.* and his foresaids, heritably but redeemably, as after mentioned, a Lease granted by *E.F.*, of Date , and recorded [*insert Register with Date, Book, and Folio of recording*], and my Right to which is registered [*Date, Book, and Folio of recording, where Cedent not the original Lessee*], yet irredeemably, in the Writ of a Sale by virtue hereof, and that in Real Security of the whole Sums of Money above written, Principal and Interest. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

In witness whereof, &c.

[*Vesting Clause.*]

SCHEDULE (C.)

FORM OF WARRANT TO RECORD LEASE OR ASSIGNATION IN SECURITY AT INSTANCE OF PARTY NOT THE ORIGINAL LESSEE OR ASSIGNEE.

At this Day of on the Application of *A.B.* for Warrant to register in the Particular [*or* Burgh] Register of Sasines kept at a Lease granted by *C.D.* of [*shortly and generally describe Property leased*], of Date , in favour of *E.F.* [*or as the Case may be*], an Assignation in Security, of Date , granted by *G.H.* over a Lease by *C.D.* in favour of *E.F.*, of Date , and recorded [*insert Register, with Date, Book, and Folio of recording*], and to which Lease [*or* Assignation in Security] he claims Right as Heir *or* general Disponee *or* Assignee [*as the Case may be*] of the said *E.F.*, the Sheriff finds that the said *A.B.* is the Party in right of such Lease [*or* Assignation in Security], as the eldest Son [*or as the Case may be*] and Heir, *or* as the general Disponee, *or* as the Assignee [*as the Case may be*], in virtue of [*here mention any Writs or Decreets instructing the Right, with the Dates, and, if recorded, the Register, Date, Book, and Folio of recording*], and grants Warrant to the Keeper of the Register to record the said Lease [*or* Assignation in Security] on the Presentation of the said *A.B.*, and also this Interlocutor.

G.H. (*Signature.*)

SCHE-

SCHEDULE (D.)

FORM OF TRANSLATION OF ASSIGNATION IN SECURITY.

I, *A.B.*, assign and transfer to *C.D.* an Assignation in Security, dated , for the Sum of , granted by *E.F.* in my Favour, and recorded [*Register, Date, Book, and Folio of recording*], of a Lease granted by *G.H.*, of Date , and recorded [*Register, Date, Book, and Folio of recording*], with Interest from the .

In witness, &c.

[*Vesting Clause in common Form.*]

SCHEDULE (E.)

FORMS OF WRITS OF ACKNOWLEDGMENT.

No. 1.—*Acknowledgment of Heir of Lessee.*

I, *A.B.*, Proprietor infeft in the Lands of *C.* by Infeftment recorded [*Register, Date, Book, and Folio*], acknowledge *D.E.*, being [*specify Relationship*] of the deceased *F.G.*, and thereby, in right of a Lease of a Portion of these Lands granted by , of Date , and recorded [*Register, Date, Book, and Folio of recording*], the Right of the said *F.G.* being entered on the said Register [*Date, Book, and Folio of Entry when the Deceased not the original Lessee*].

In witness, &c.

No. 2.—*Acknowledgment of Heir of Creditor in an Assignation in Security.*

I, *A.B.*, Lessee under a Lease granted by *C.D.*, of Date , and recorded [*Register, Date, Book, and Folio of recording*], and my Right to which [*when not the original Lessee*] is entered on the said Register [*Date, Book, and Folio of Entry*], acknowledge *E.F.* as being [*specify Relationship*] of the deceased *G.H.*, the Creditor in right of an Assignation in Security over the said Lease, dated , and recorded [*Register, Date, Book, and Folio of recording*], and whose Right thereto [*where the Deceased was not the original Creditor*] is entered on the said Register [*Date, Book, and Folio of recording*], and as such in right of the said Assignation in Security.

In witness, &c.

SCHEDULE (F.)

Warrant to register Heir or Disponee.

At this Day of , on the Application of *A.B.* for Warrant to be registered as the Heir [*or* Disponee] of the deceased *C.D.*, and as such in right of a Lease granted by *E.F.*, of Date , and recorded [*Register, Date, Book, and Folio of recording*], *or* of an Assignation in Security, granted by *G.H.*, of Date , and recorded [*Register, &c., as above*], over a Lease, &c. [*as above set forth*], and whose Right thereto [*where not the original Lessee or Creditor*] is entered on the said Register [*Date, Book, and Folio of recording*], the Sheriff finds that the said *A.B.* is the eldest Son [*or as the Case may be*], and as such Heir *or* the Disponee, by virtue of [*mention the Disposition, Settlement, or other Writs, with the Dates and Places of recording, where recorded*] of the said *C.D.*, and as such in right of the said Lease *or* Assignation in Security, and grants Warrant to the Keeper of the Particular [*or* Burgh] Register of Sasines kept at , to register him as such accordingly, by recording this Interlocutor therein.

J.K. (*Signature.*)

SCHEDULE (G.)

Renunciation and Discharger.

No. 1.—*Lease.*

I, *A.B.*, Lessee under a Lease granted by *C.D.*, of Date , and recorded [*Register, Date, Book, and Folio of recording*], and my Right to which is entered on the said Record [*Date, Book, and Folio*], renounce the said Lease in favour of *E.F.*, Proprietor of the Subjects thereby leased, as from the Term of

In witness, &c.

No. 2.—*Assignation in Security.*

I, *A.B.*, in right of an Assignation in Security granted by *C.D.*, of Date , over Lease granted by *E.F.*, of Date , and recorded [*Register, Date, Book, and Folio of recording*], which Assignation in Security is recorded in the said Register [*Date, Book, and Folio of recording*], and my Right to which is entered therein [*Date, &c. of recording*], in consideration of the Sum of   now paid to me by *C.D.* in full Satisfaction of the Sums due under the said Assignation in Security, and Interest thereon, discharge the same, and declare the said Lease disburdened therefrom.

In witness, &c.

[*Vesting Clause in common Form.*]

Registration of Leases (Scotland).

A

BILL

To provide for the Registration of long Leases in Scotland, and Assignations thereof.

(*Prepared and brought in by*
Mr. Dunlop and Sir Michael R. Shaw Stewart.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1856.

[Bill 132.]

Under 2 oz.

18 *June* 1856. 19 Vict.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Provide for the Registration of long Leases in Scotland, and Assignations thereof.

[Note.—*The Clauses marked* A., B., *and* C. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act, it shall be lawful to record in the General Register of Sasines in Scotland Leases for a Period of Fifty Years, and for any greater Number of Years that shall be stipulated, of Lands and Heritages other than Lands and Heritages held by Burgage Tenure whether executed before or after the passing of this Act, and the Assignations, Assignations in Security, and Translations thereof, herein-after mentioned, and to record in the several Burgh Registers Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held by Burgage Tenure, and the Assignations, Assignations in Security, and Translations thereof.

Long Leases and Assignations registerable in Register of Sasines.

II. No Lease for a Period of Fifty Years and upwards, executed after the passing of this Act, shall make faith or be effectual against any Singular Successor in the Lands and Heritages thereby let, unless it shall have been recorded, as herein provided, prior to the

Long Leases executed after Act not to make faith against Singular

Successors, unless recorded.

Infeftment of such Singular Successor, anything in an Act of the Parliament of Scotland passed in the Year One thousand four hundred and forty-nine, and intituled "The Buyers of Lands should keep "the Tacks set before the buying," to the contrary notwithstanding.

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party for the Time being appearing on the Register as in Right of such Lease, but in accordance always with the Conditions and Stipulations thereof, and not otherwise, to assign the same, in whole or in part, by Assignation, in the Form, as nearly as may be, of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right in and to such Lease to the Extent assigned.

Assignations in Security.

IV. It shall be lawful for the Lessee for the Time being appearing on the Register as in Right of any such Lease recorded as aforesaid to assign the same, in whole or in part, in Security, for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, in the Form, as near as may be, of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, expede an Instrument, under the Hand of a Notary Public, in the Form, as nearly as may be, of the Schedule (C.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Instrument.

Translation of Assignations in Security.

Creditor's Entry to Possession in default of Payment.

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the Form, as nearly as may be, of the Schedule (D.) to this Act annexed; and the recording of such Translation shall fully and effectually vest the Party in whose Favour it was granted with the Right to such Assignation in Security to the Extent assigned; and the Creditor or Party in Right of such Assignation in Security shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for Six Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Subtenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease; and such Landlord shall not be entitled to sue the Lessee for an Irritancy of the Lease for Nonpayment of Rent, without calling the Creditor or Party appearing on the Register as in Right of any such Assignation in Security as a Party to the Action.

Creditor to be called in Action of Irritancy.

VII. It shall be competent for the Heir of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to complete his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form, as nearly as may be, of the Schedule (E.) to this Act annexed; and on the recording of such Writ in the Register in which such Lease or Assignation in Security is registered such Heir shall be fully and effectually vested with the Right to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir may complete Title by Writ of Acknowledgment.

VIII. It shall be competent to the Heir or General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Right of such Heir or Disponee to such Lease or Assignation in Security.

Heir or Disponee may complete Title, by recording Notarial Instrument.

IX. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party fully and effectually vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall

Adjudgers to complete Right by recording Abbreviate.

complete the Right of the Adjudger to such Lease or Assignation in Security.

Trustees on sequestrated Estate may be entered on Register.

X. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (C.) to this Act annexed; and the recording of such Instrument shall complete the Right of such Trustee to such Lease or Assignation in Security.

Preferences regulated by Date of recording Transfer only valid in manner mentioned in Act.

XI. All such Leases executed after the passing of this Act, and all such Assignations thereof, and all such Assignations in Security and Translations thereof, shall in Competition be preferable according to their Dates of recording; and no Assignation, nor Assignation in Security, executed after the passing of this Act, of any such Lease, recorded as aforesaid, and no Transfer or Conveyance of any such Lease or Assignation in Security, unless made in manner herein mentioned, shall be valid or effectual.

Renunciations and Discharges to be recorded.

XII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XIII. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Instrument, Discharge, or Renunciation, recorded in the Register of which he is the Keeper, he shall make an Entry thereof on the Margin of such Register, opposite the Record of the Lease, Assignation, Assignation in Security, Translation, Instrument, Discharge, or Renunciation reduced respectively.

Mode of registering.

XIV. Leases, Assignations, Assignations in Security, Translations, Instruments, Discharges, Renunciations, and Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Books of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Books, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of Writings registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writings registered, except where the Writings so registered are offered to be improven.

Extracts to make faith.

CLAUSE A. Registration equivalent to Possession.

XV. The Registration of all such Leases, Assignations in Security, and Assignations and Translations thereof, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

CLAUSE B. Leases, with Obligation to renew, registrable.

XVI. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registrable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time during a Period of Fifty Years or upwards.

CLAUSE C. No Leases executed after Date of Act of more than 50 Acres to be registrable.

XVII. No Leases executed after the passing of this Act shall be held to fall within the same, or to be registrable thereunder, where the Extent of Land thereby let shall exceed Fifty Acres, or where the Quantity of the Land let shall not be set forth therein.

Sub-Leases not within Act.

XVIII. No Sub-Lease executed after the passing of this Act shall be deemed a Lease within the Intent and Meaning of this Act.

Sub-Leases for more than Nineteen Years not effectual against Singular Successor.

XIX. No Sub-Lease for a longer Period than Nineteen Years of any Lands or Heritages, or Part thereof, let by a Lease recorded as aforesaid, shall be valid or effectual against any Singular Successor in such Lease who shall have completed his Right thereto as aforesaid, or any Party who shall have completed his Right under an Assignation thereof in Security as aforesaid, excepting where both such Lease and such Sub-Lease shall have been executed prior to the passing of this Act.

Import of Clauses in Schedules. 10 & 11 Vict. c. 50.

XX. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

Short Title. XXI. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1856."

SCHE-

SCHEDULES.

SCHEDULE (A.)

Form of Assignation of Lease.

I, *A.B.*, [*Designation*,] in consideration of the Sum of now paid to me, [*or otherwise, as the Case may be*,] assign to *C.D.* [*Designation*] a Lease, dated , and recorded in the Register of Sasines at , of Date , granted by *E.F.* [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly and generally mention Subjects*] in the Parish of and County of [and (*when the Assigner is not the Grantee in the Lease*) my Title to which is recorded in the said Register, of Date], [but (*where the Lease is assigned in part only*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*),] with Entry as at (*Term of Entry*). And [*where Sub-Lease*] I assign the Rents from [*Term*]; and I grant Warrandice; and I bind myself to free and relieve the said *C.D.* of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease; and I consent to Registration for Preservation and Execution.

[*Testing Clause in common Form.*]

SCHEDULE (B.)

Form of Bond and Assignation in Security.

I, *A.B.*, bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, [*or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime *as the Case may be*,] with the Interest of the said Capital Sum at the Rate of per Cent. per Annum, payable by equal Portions half yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in Security of the personal Obligation before written, I assign to the said *C.D.* and his foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [*shortly and generally mention Subjects leased*] in the Parish of and County of , which Lease was granted by *E.F.*, of Date , and recorded [*insert Register, with Date of recording*], and [*where Cedent not the original Lessee*] my Title to which is registered therein [*Date of recording*]; [but (*where only a Portion of the Subjects are assigned*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*)]. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

In witness whereof, &c.

[*Testing Clause.*]

SCHEDULE (C.)

Forms of Notarial Instruments in favour of a Party not the original Grantee.

No. 1.—*Case of Lease.*

Be it known, That by Lease, dated , *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly and generally describing the Property leased*] in the Parish of and County of , to which Lease *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *C.D.* [*or, as the Case may be*, as General Disponee *or* Assignee of the said *C.D.* in virtue of (*here mention the Writs or Decreets instructing the Right, with the Dates thereof, and, if recorded, the Register, and Date of recording**]: Wherefore this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1856.

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security of Date *C.D.* [*Designation*] assigned to *J.K.* [*Designation*], in Security of a

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* *Note.*—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignation in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

Sum of [*or as the Case may be*], a Lease granted by *A.B.* [*Designation*] of [*shortly and generally describe the Subjects leased*], in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], to which Assignation in Security *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *J.K.*, *&c.* [*as in Form No.* 1.]

SCHEDULE (D.)

Form of Translation of Assignation in Security.

I, *A.B.*, [*Designation*] in consideration of the Sum of now paid to me [*or as the Case may be*], assign and transfer to *C.D.* [*Designation*] a Bond and Assignation in Security for the Sum of [*or as the Case may be*], granted by *E.F.* [*Designation*] in my Favour, [*or, if not in Granter's Favour, name and design the Party in whose Favour granted,*] dated and recorded [*Register and Date of recording*], [and (*if the Granter not the Assignee in said Bond*) my Title to which is recorded in said Register (*Date of recording*)], with the Interest from the [*Date*], and also a Lease granted by *G.H.* [*Designation*] of [*shortly and generally describe Subjects leased*] in the Parish of and County of , which Lease is dated and is recorded in the said Register, of Date .

[*Testing Clause.*]

SCHEDULE (E.)

Forms of Writs of Acknowledgment.

No. 1.—*Acknowledgment of Heir in Lease.*

I, *A.B.*, [*Designation,*] Proprietor infeft in the Lands of *C.*, by Infeftment recorded [*Register, and Date of recording,*] acknowledge *D.E.*, [*Designation,*] as [*specify Relationship*], and Heir of the deceased *F.G.*, [*Designation,*] to be in Right of a Lease granted by *H.J.* [*Designation*] of [*shortly and generally mention Subjects*] in the Parish of and County of , being a Portion of the said Lands of *C.*, which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Deceased not the original Lessee*] the Title of the said *F.G.* being recorded in the said Register, of Date .

[*Testing Clause.*]

No. 2.—*Acknowledgment of Heir of Creditor in Assignation in Security.*

I, *A.B.*, [*Designation,*] being in Right of a Lease granted by *C.D.* [*Designation*] of [*shortly and generally specify Subjects*] in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], and [*where Granter not the Lessee named in the Lease*] my Title to which is recorded in said Register [*Date of recording*], acknowledge *E.F.* [*Designation*] as [*specify Relationship*], and Heir of the deceased *G.H.* [*Designation*], to be in Right of a Bond and Assignation in Security for the Sum of [*or as the Case may be*] granted by *I.K.* [*Designation*] over said Lease, which Bond and Assignation in Security is dated , and recorded in the said Register on [*Date*], and [*where the Deceased, not the original Creditor*] the Title of the said *G.H.* to which Bond and Assignation in Security is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (F.)

FORM OF NOTARIAL INSTRUMENT IN FAVOUR OF HEIR IN RECORDED LEASE OR ASSIGNATION IN SECURITY, OR OF TRUSTEE ON SEQUESTRATED ESTATE.

No. 1.—*Case of Lease.*

BE it known, That by Lease dated *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly and generally describing the Property leased,*] in the Parish of and County of , which Lease is recorded [*Register, and Date of recording*], and to which *E.F.* [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said *C.D.* [*or as the Case may be*, as General Disponee of the said *C.D.*, *or* as Trustee confirmed on the sequestrated Estate of the said *C.D.*, in virtue of [(*here mention the Writs or Decreets, instructing the Rights, with the Dates thereof, and, if recorded, the Register, and Date of recording.*)] Whereupon this Instrument is taken by the said *E.F.*, in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1856."

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

BE it known, That by Bond and Assignation in Security, of Date *C.D.* [*Designation*] assigned to *I.K.* [*Designation*] in

Security of a Sum of [*or, as the Case may be,*] a Lease granted by *A.B.* [*Designation*] of [*shortly and generally describe the Subjects leased*] in the Parish of and County of , dated , and recorded [*Register, and Date of recording*], to which Bond and Assignation in Security *E.F.* [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said *I.K.*, *&c.* [*as in Form* No. 1.]

SCHEDULE (G.)

Renunciation of Lease.

I, *A.B.*, [*Designation,*] renounce as from the Term of in favour of *C.D.* [*Designation*] a Lease granted by the said *C.D.* [*or as the Case may be*] of [*shortly set forth Subjects*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Party renouncing not the original Lessee*] my Title to which is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (H.)

Form of Discharge of Bond and Assignation in Security.

I, *A.B.*, [*Designation*], in consideration of the Sum of now paid to me by *C.D.* [*Designation,*] discharge a Bond and Assignation in Security for the Sum of , granted by the said *C.D.* in my Favour [*or as the Case may be**], and which is dated and recorded in the [*Register, and Date of recording*]; and I declare to be disburdened thereof a Lease granted by *E.F.* [*Designation*] of [*shortly and generally mention Subjects leased*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*].

[*Testing Clause.*]

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* *Note.*—If Granter not original Creditor, here state his Title, and Date of recording the same.

Registration of Leases (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for the Registration of long Leases in Scotland, and Assignations thereof.

(*Prepared and brought in by*
Mr. Dunlop and Sir Michael R. Shaw Stewart.)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1856.

[Bill 198.]

Under 2 oz.

5 *May* 1856. 19 VICT.

A

BILL

TO

Amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland.

Preamble.

2 & 3 W. 4. c. 65.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An Act to "amend the Representation of the People in Scotland;" and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland: Be it enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Provisions of recited Act.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament, for Counties and Burghs respectively, in Scotland, shall be and the same are hereby repealed, except as to any Register heretofore made.

Sheriff Clerks to deliver annually to County Assessors a Copy of the Register of Voters.

II. The Sheriff Clerk of every County shall, on or before the *Thirtieth Day of June* in every Year, make, and cause to be delivered to the Assessor of his County a Copy of the Register of Voters then in force for such County, arranged in Parishes; the Voters in each Parish being kept distinct and separate, and arranged alphabetically under separate Heads.

County Assessors to publish Notices, and new Claims to be lodged.

III. The Assessor of every County shall, on or before the *Thirtieth Day of June* in every Year, publish, by Advertisement in some One or more Newspapers of greatest Circulation in the County, a Notice, according to the Form Number 1. of the Schedule A. hereunto annexed, requiring all Persons entitled to vote in the Election of a Member to serve in Parliament in respect of any Property situated in such County, who shall not be upon the Register of Voters then in force, and also all Persons entitled as aforesaid who being upon such Register shall not retain the same Qualification as described in such Register, and who are desirous to have their Names inserted in the Register about to be made, to deliver or transmit to the Assessors of such County, at such Place or Places as shall be specified in such Notice, on or before the *Twentieth Day of July* then next ensuing, Notices in Writing, signed by them, of their Claims to vote as aforesaid; and every such Person, and every Person who being upon such Register may be desirous to make a new Claim, shall, on or before the said *Twentieth Day of July*, deliver or transmit to the said Assessors as aforesaid, a Notice signed by him of his Claim, according to the Form Number 1. of the said Schedule A., or to the like Effect: Provided always, that it shall not be necessary for any Person whose Name shall be transferred, as herein-after provided, from the Valuation of the County, to lodge any such Claim.

County Assessors to make up Lists of Claimants, and to mark Persons objected to, and dead;

IV. The Assessor of every County shall, on or before the *Fifteenth Day of August* in every Year, make out or cause to be made out, according to the Form Number 2. of the said Schedule A., a List, arranged alphabetically in Parishes, of all Persons whose Names shall appear in his Valuation of the County as Proprietors of Lands and Heritages within the County of an annual Value of not less than *Ten Pounds*, and who shall be entitled in respect thereof to be enrolled in the Parliamentary Register of Voters for such County; and also of all such other Persons as shall, on or before the *Twentieth Day of July* then next preceding, have made Claims as aforesaid, and in every such List the Christian Name and Surname of every Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, and the Name of the occupying

Tenant thereof, shall be written; and the Assessor, if he shall have reasonable Cause to believe that any Person whose Name shall appear in such List, or in the Copy of the Register received by him from the Sheriff Clerk, is not entitled to have his Name upon the Register then next to be made, shall add or cause to be added the Word "objected" before the Name of such Person on the Margin of such List, or of the said Copy of the Register; and the Assessor shall also add or cause to be added the Word "Dead" before the Name of every Person in the said Copy of the Register whom he shall have reasonable cause to believe to be dead; and the Assessor shall, on or before the *Fifteenth Day of August* in every Year, publish in some One or more Newspapers of greatest Circulation in the County, such List of Persons, herein-after called the "List of Claimants," with such marginal Additions as aforesaid, and also a List, arranged alphabetically in Parishes, of the Persons already on the Register objected to by him, and believed by him to be dead, respectively as aforesaid; and shall specify in such Advertisement the Office or Place at which such List of Claimants and Copy of the Register will be open to Perusal as after-mentioned; and shall likewise cause a sufficient Number of Copies of such List of Claimants, and of the said Copy of the Register, with all such marginal Additions as aforesaid, to be written or printed; and shall keep a Copy thereof, signed by him, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, during the first *Fourteen* Days of the Month of September; and shall deliver Copies thereof, or of any Parish or Part thereof, signed by him, to all Persons applying for the same, on Payment of a Price for every such Copy after the Rate contained in the Table Number 1. of the Schedule D. hereunto annexed.

and to publish such Lists;

and all Persons may have Copies.

V. The List of Claimants so to be made out by the Assessor of the County, together with the said Copy of the Register, with the marginal Additions thereon respectively as aforesaid, signed by the Assessor, shall be deemed to be the List of Voters for such County for the Purposes after mentioned.

List of Claimants and old Register to be held List of Voters.

VI. In every Year, every Person upon the Register for the Time being for any County, may object to any other Person as not having been entitled, on the *last Day of July* next preceding, to have his Name inserted in any List of Voters for such County; and every Person so objecting (except Assessors objecting as aforesaid) shall, on before the *Twenty-fifth Day of August* in such Year, give or cause to be given to the Assessor of such County, a Notice according to the Form Number 3. of the said Schedule A., or to the like Effect; and shall also, on or before such *Twenty-fifth Day of August*, give or

Objections may be lodged by Voters on Register.

or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode, as described in such List, a Notice according to the Form Number 4. of the said Schedule A., or to the like Effect; and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

List of Persons objected to to be made up and published.

VII. The Assessor of the County shall, in every Year, include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year, in a List, arranged alphabetically in Parishes, according to the Form Number 5. of the said Schedule A; and shall, on or before the *First Day of September* in such Year, publish such List in some One or more Newspapers of greatest Circulation in such County; and shall specify in such Advertisement the Office or Place at which such List will be open to Perusal as after mentioned; and shall keep a Copy of such List open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, during the First *Fourteen* Days of the said Month of September; and shall deliver Copies of such List, signed by him, to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.

County Assessors to deliver Lists of Claimants and Persons objected to, &c., to Sheriff Clerks.

VIII. On or before the *Twenty-ninth Day of August* in each Year, the Assessor of the County shall deliver to the Sheriff Clerk of the County the said Copy of the Register, and the said List of Claimants, with the marginal Additions thereon respectively as aforesaid, and also the said List of Persons objected to, respectively signed by him as aforesaid.

Burgh Assessors to make out List of Voters;

IX. The Assessor of every Burgh shall, on or before the *Fifteenth Day of August* in every Year, make out, or cause to be made out, according to the Form Number 1. of the Schedule B. hereunto annexed, an alphabetical List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and in such List the Parish to which each such Person belongs shall be distinguished; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be printed; and shall, on or before the said *Fifteenth Day of August* in every Year, publish Copies of the said List, by

and to publish such List;

affixing the same on or near the Town Hall, or other conspicuous Place within the Burgh; and shall also, on or before such *Fifteenth Day of August*, give Notice by Advertisement in some One or more Newspapers of greatest Circulation in the Burgh, of the Place at which a Copy of such List will be open to Perusal, and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except *Sunday*, from the *Sixteenth* to the *Twenty-fifth* Days of August both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.

and all Persons may have Copies.

X. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the *last Day of July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall on or before the *Twenty-fifth Day of August* in such Year give a Notice according to the Form Number 2. of the said Schedule B. or to the like Effect to the Assessor, and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in alphabetical Lists according to the Form Number 3. of the said Schedule B. signed by him.

Persons omitted in such Lists, &c. to lodge Claims;

and Burgh Assessors to make up Lists of Claimants.

XI. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the *last Day of July* next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the *Twenty-fifth Day of August* in such Year, give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule B. or to the like Effect, and shall also on or before such *Twenty-fifth Day of August* give or cause to be given to the Person so objected to, or leave or cause to be left at his Place or Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule B. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Objections to be lodged.

XII. The Assessor shall, in every Year, include the Names of all Persons so objected to in an alphabetical List, according to the Form Number 6. of the said Schedule B., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the *First Day of September* in each Year, by

Burgh Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

by advertising a Copy thereof in One or more Newspapers of greatest Circulation in the Burgh; and shall specify in such Advertisement the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal, and Copies of the said Lists, and also the Notices of Claims and Objections which he shall have received, shall be open to be perused by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except *Sunday*, during the First *Fourteen* Days of *September* in the said Year, and the Assessor shall deliver Copies thereof to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.

and all Persons may have Copies.

Burgh Assessors to deliver Lists to Town Clerks.

XIII. On or before the *Twenty-ninth Day of August* in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessor to be nominated specially for this Act.

XIV. Where, in any County or Burgh, there shall be more than One Assessor in and for such County or Burgh, it shall be the Duty of the Commissioners of Supply and of the Magistrates respectively, as soon as may be after the passing of this Act, and at latest within *Three* Weeks after the passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also to make public Advertisement of such Appointment in some One or more Newspapers of greatest Circulation in such County or Burgh, respectively; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where, in any County or Burgh, an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Commissioners of Supply, or of the Magistrates, as the Case may be, at latest within *Three* Weeks thereafter, to appoint another Assessor, and to make public Advertisement of such Appointment as beforementioned; and in the Event of such Commissioners or Magistrates respectively failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within *Five* Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such County or Burgh shall give such Assistance and Attendance in the

Execution of this Act, as the Commissioners of Supply or the Magistrates respectively may direct.

Provision as to Service of Notices.

XV. Whenever any Notice is by this Act required to be given to the Assessor of any County or Burgh, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever, by this Act, any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given at his usual Place of Abode.

Advertisements under this Act.

XVI. In all Cases where any Document is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than *Six* and not later than *Eight* Days after the Day on or before which such Advertisement is herein required to be published.

Lists put up to be maintained; and Provision for replacing same.

XVII. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including *Two* consecutive Sundays at the least next after the Day of Publication; and if removed or defaced within such Period, shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

XVIII. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall, for every such Offence, forfeit a Sum not exceeding *Forty Shillings*, nor less than *Ten Shillings*, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Lists not invalidated by deficient Publication.

XIX. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

XX. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XXI. Any Person whose Name shall be on any List of Voters for the Time being for any County or Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, between the *Sixteenth Day of August* and the *Sixteenth Day of October*, inspect any Valuation Roll, and to make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof, is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Roll to be conclusive Evidence of Value, unless greater Value proved; in which Case to be altered.

XXII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor of any County or Burgh, in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the *Fifteenth Day of August* in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as primâ facie Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the *Fifteenth Day of May* in such Year to the *Fifteenth Day of May* following, of the Amount set forth for the Time in such Valuation Roll: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff, or of any Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Sheriff Clerks and Town Clerks to transmit Abstracts of Lists to Sheriffs.

XXIII. Each Sheriff Clerk and Town Clerk respectively shall, on the *Twenty-ninth Day of August* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his County or Burgh respectively to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him.

Sheriffs to hold Courts for revising County Lists.

XXIV. Every Sheriff shall, between the *Twenty-ninth Day of August* and the *Twenty-ninth Day of September* in each Year, revise the Lists of his County, and for this Purpose shall hold open Courts during the said Period at the Places prescribed in the said recited Act;

and shall, on or before the *First Day of August* in each Year, deliver to the Sheriff Clerk of his County a written Notice of the Days within the Period above mentioned on which he is to hold his Courts; and the Sheriff Clerk shall forthwith cause public Notice thereof to be given by Advertisement, in One or more Newspapers circulating within such County, and shall cause a Copy of such Notice to be delivered to the Clerk of Supply, and to the Assessor of such County, and shall require him to attend at the Courts therein appointed.

Sheriffs to hold Courts for revising Burgh Lists.

XXV. Every Sheriff shall, between the *Twenty-ninth Day of August* and the *Twenty-ninth Day of September* in each Year, revise the Lists of the several Burghs within his County, and for this Purpose shall hold open Courts during the said Period at the Places prescribed in the said recited Act; and shall, on or before the *First Day of August* in each Year, deliver to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold his Courts for Revision of the Lists of such Burgh; and such Town Clerk shall forthwith cause public Notice thereof to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessor of such Burgh, and shall require him to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Sheriff Clerks, &c. to attend County Registration Courts, and produce Lists, Valuation Rolls, &c.

XXVI. The Sheriff Clerk of every County, at the opening of the first Court as aforesaid, shall deliver to the Sheriff all the Lists of Voters for the then current Year, with the marginal Additions as aforesaid, and Lists of Persons objected to in the said Year, relating to the said County, and also One or more printed Copies of the Register of Voters then in force for the said County; and the Clerk of Supply and the Assessor of the County shall attend the Courts to be holden as aforesaid for revising the Lists of such County, and the Assessor shall deliver to the Sheriff the original Notices of Claim and Notices of Objection; and it shall be the Duty of the Person having the Custody for the Time of the Valuation Roll then in force, to have the same on the Table of such Registration Court; and to produce all Documents, Papers, and Writings, in their Power, touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

TownClerks, &c., to attend Burgh Registration Courts, and

XXVII. The Town Clerk of every Burgh, and the Assessor of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff produce Lists, Valuation Rolls, &c.

Sheriff the List of Voters, and Lists of Claimants and of Persons objected to in the said Year, relating to such Burgh, and also One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and it shall be the Duty of the Person having the Custody of the Valuation Roll then in force, to have the same on the Table of the Registration Court, and to produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Votes; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

County Voters may be transferred from one Polling District to another.

XXVIII. Any Person whose Name shall appear in the List of Voters of any Parish in and for any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in any such List, and whose Place of Abode shall not be within the same County, shall be at liberty, in like Manner, to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall then be lawful for the Sheriff to insert in the List of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, anything in the said recited Act to the contrary notwithstanding.

Claimants omitted in County Lists may be enrolled by Sheriff.

XXIX. If any Person who shall have given to the Assessor of any County due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such County, or whose name shall appear on the Valuation Roll as Proprietor of Subjects within the County of the requisite Value to afford a Qualification, shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is and was on the last Day of July last preceding entitled to be inserted therein.

XXX. The Sheriff shall insert in any List of Voters for any Burgh the Name of every Person omitted, who shall appear in the Valuation Roll of the Burgh as Proprietor or Tenant and Occupant of Subjects within the Burgh of the requisite Value to afford a Qualification, or who shall be proved, to the Satisfaction of such Sheriff, to have given due Notice of his Claim to be inserted in such List; provided such Person shall, in the Opinion of the Sheriff, have been entitled, on the last Day of July then next preceding, to have his Name inserted therein in respect of the Qualification described in such Valuation Roll.

Claimants omitted in Burgh Lists may be enrolled by Sheriff.

XXXI. It shall be lawful for any Person whos Name shall be on any List of Voters for any County or Burgh to oppose the Claim of any Person so omitted to have his Name inserted in the List of Voters for the same County or Burgh; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

But Claims omitted may be objected to.

XXXII. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List.

Sheriffs to revise and correct Lists.

XXXIII. Where any Person whose Name appears on any List of Voters for any County shall be objected to on the Ground of having changed his Place of Abode without having sent in a Notice of new Claim, it shall be lawful for the Sheriff, on revising the List, to supply his true Place of Abode, on the same being proved to him, and to insert the same in such List.

Change of Residence not to affect Qualification.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXXIV. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act, or this Act, upon ex parte Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff, or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and that notwithstanding that the Appeal Court to which such Citation or Diligence refers, be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

Sheriffs may adjourn Registration Courts, but to conclude Business by 29th September annually.

XXXV. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, or within the same Burgh, but so that no such adjourned Court shall be holden after the *Twenty-ninth Day of September* in any Year; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly; and at the holding of such respective Courts of Registration and Appeal, no Person shall appear or be attended by Counsel.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Sheriff Clerk and Town Clerk respectively for Production at Appeal Courts.

XXXVI. On the Revision of the Lists of Voters for any County or Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the *Thirtieth Day of September* in such Year, deliver the same to the Sheriff Clerk of such County, or the Town Clerk of such Burgh, as the Case may be; and it shall be the Duty of such Sheriff Clerk and Town Clerk respectively to retain the same in their Possession, and to produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

Persons dissatisfied may Appeal, and all Appeals to be disposed of by 31st

XXXVII. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said

Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their Courts for disposing of such Appeals on some Day between the *Twenty-ninth Day of September* and *Eighth Day of October* in each Year, and shall finally determine all such Appeals on or before the *Thirty-first Day of October* thereafter: Provided also, that, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

October annually.

XXXVIII. All Sheriff Clerks, Town Clerks, Clerks of Supply, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act, shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Sheriff Clerks &c., to attend Appeal Courts.

XXXIX. The Sheriff Clerk of every County shall forthwith, after the *Thirty-first Day of October* in each Year, or sooner if the Appeal Court shall be earlier concluded, cause the Lists of Voters for such County, signed as aforesaid, to be copied and printed in a Book or Books, arranged with the Names in each Parish in strict alphabetical Order, according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish within said Polling District likewise in alphabetical Order; and shall, after the last List for such Polling District, insert an additional List, in like alphabetical Order, of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall, in manner herein-before mentioned, have been registered to vote at the Polling Place of such last-mentioned District, and shall, in the said Book, prefix to every Name its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such additional List inserted after the last List for every Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Parish contained therein

Sheriff Clerks to print County Lists and authenticate them.

therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling Place, or the List of every or any single Parish, may be ready for the Purposes of this Act, or for Sale; and the said Sheriff Clerk shall sign the said Book or Books, and deliver the same, on or before the *Thirtieth Day of November* in the then current Year, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Town Clerks to print Burgh Lists, and authenticate them.

XL. The Town Clerk of every Burgh shall forthwith, after the *Thirty-first Day of October* in each Year, or sooner if the Appeal Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book; and in the said Book the said Lists shall be arranged, and every Name numbered, according to the Directions aforesaid with regard to the County Lists, so far as the same are applicable; and the said Town Clerk shall sign the said Book, and deliver the same, on or before the said *Thirtieth Day of November*, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XLI. The said printed Book or Books so signed as aforesaid by the Sheriff Clerk or Town Clerk respectively, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same County or Burgh respectively, between the *Thirtieth Day of November* in the Year wherein such Register shall have been made and the *First Day of December* in the succeeding Year: Provided always, that the Register of Electors now existing shall be the Register in force until the *First Day of December* in the Year One thousand eight hundred and *fifty-six*; and the Sheriff Clerk of every County, and the Town Clerk of every Burgh respectively, shall keep printed Copies of such Register for such County and Burgh respectively, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table Number 2. of the Schedule D. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish without taking or paying for the whole that relates to such Parish.

Register of Voters to be in force till new Register established.

XLII. Every Register of Voters established or that shall be established for any County or Burgh, shall continue to be the Register for such County or Burgh until the same shall be revised and a new Register shall be made up pursuant to this Act.

XLIII. All Provisions of the first-recited Act as to any Payments thereby required to be made by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote, are hereby repealed.

Payments by Persons claiming to be registered, &c. abolished.

XLIV. The Distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

How Distances to be measured.

XLV. It shall not be competent to challenge any Claim, Objection, Notice of Appeal, or other Writ signed by any Person as Agent or Mandatory for the Party upon the Ground that such Person is not or was not truly Agent or Mandatory for such Party, or that he signed without Authority; but such Signature shall be as sufficient as the Signature of such Party himself, unless it shall not only have been without Authority, but be disavowed by the Principal on whose Behalf such Person professed to be acting.

Acts of Agents and Mandatories to be held good, unless disavowed by Party himself.

XLVI. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine for every such Offence, a Sum of Money not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Penalty on Persons not attending Registration Courts when required.

XLVII. Any Assessor of any County or Burgh who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act, or who shall be

Penalties on Assessors and others for Neglect of Duty.

wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine a Sum of Money not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XLVIII. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any County or Burgh, he shall pay over the Sum so received by him to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLIX. The Sheriff Clerk of every County and the Town Clerk of every Burgh respectively, shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act; and shall account for and pay over the same to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act; and in like Manner every Assessor in every County and Burgh shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

Expenses of Annual Registrations, how to be defrayed.

L. As soon as may be after the Completion of each annual Registration under this Act, the Commissioners of Supply of each County, and the Magistrates of each Burgh, shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County and Burgh respectively, including all necessary Payments to the Assessor, and any Remuneration for his Services under this Act, and also the Expense of employing Clerks or other Persons whose Assistance may be necessary in its Execution, and shall ascertain and fix the just Amount thereof; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor of such County or Burgh respectively, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Commissioners of Supply and Magistrates respectively shall cause the Amount of such Excess to be apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on Hand from Time to Time in any County or Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year, with reference to which such Assessment was imposed, may be retained, and applied by the Commissioners of Supply of each County and the Magistrates of each Burgh respectively in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever.

Register to be conclusive Evidence of Qualification.

LI. At every future Election for a Member or Members to serve in Parliament for any County or Burgh, or District of Burghs, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

Provision as to administering Oath to Voters abolished.

LII. All the Provisions contained in the first-recited Act touching or concerning the administering and taking of any Oath at the Time of polling, shall be and the same are hereby repealed.

No Inquiry at Elections except as to Identity and previous voting, as to which Oath may be administered.

LIII. In all Elections whatever of a Member to serve in Parliament for any County or Burgh, or District of Burghs, no Inquiry shall be permitted at the Time of polling as to the Right of any Person to vote, except only as follows; (that is to say,) that the Polling Sheriff shall, if required on behalf of any Candidate, administer an Oath to any Voter at the Time of his tendering his Vote, and not afterwards, in the following Form:—

'YOU do swear [or affirm, as the Case may be] that you are
' the same Person whose Name appears as A. B. on the
' Register of Voters now in force for the County [or Burgh]

'of [as the Case may be], and that you have not before 'voted, either here or elsewhere, at this Election for the County [or 'Burgh] of [as the Case may be].'

And if any Person shall wilfully take such Oath falsely he shall be deemed guilty of Perjury, and shall and may be prosecuted and punished accordingly.

Such Oath, and the Oath of Bribery, to be alone competent.

LIV. Save as aforesaid, it shall not be lawful to require any Voter at any Election whatever of a Member to serve in Parliament to take any Oath, other than the Oath against Bribery, any Law or Statute, local or general, to the contrary notwithstanding, nor to reject any Vote tendered at such Election by any Person whose Name shall be upon the Register of Voters in force for the Time being, except by reason of such Person refusing to take the said Oath or to take the Oath against Bribery.

Persons guilty of Personation to be punished.

LV. If, at any Election of a Member to serve in Parliament for any County or Burgh, any Person shall knowingly personate and falsely assume to vote in the Name of any other Person whose Name appears on the Register of Voters then in force for such County or Burgh, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every such Person shall be guilty of an Offence, and on being convicted thereof, before any Sheriff, or any Two Justices of the Peace acting in and for any County or Burgh within which the said Person shall have voted, shall be punished by Imprisonment for a Term not exceeding *Two* Years, together with hard Labour.

Abettors to be punished as Principals.

LVI. Every Person who shall aid, abet, counsel, or procure the Commission of any such last-mentioned Offence shall be liable to be prosecuted and punished as a principal Offender.

Sheriffs and Magistrates to provide Police at Polling Places.

LVII. It shall be lawful for the Sheriff of any County, or the Provost or Chief Magistrate of any Burgh, and they are hereby required for the Purposes aforesaid, to provide a sufficient Attendance of Constables or Policemen at each Booth at the different Polling Places within their respective Counties and Burghs.

Duty of Polling Sheriff where Vote received and another tendered on same Qualification.

LVIII. In case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Polling Sheriff shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election; provided such Person shall duly make the Oath herein-before authorized to be administered to any Voter at the Time of tendering his Vote.

Provision for safe Custody of Poll Books.

LIX. At every contested Election of a Member to serve in Parliament for any County or Burgh, the Sheriff acting as Returning Officer, after having declared the State of the Poll, and made Proclamation of the Member chosen to serve in Parliament, in the Manner provided for by the first-recited Act, shall forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates, to be sealed by them respectively; and in case any Candidate shall neglect or refuse to seal the same, the said Sheriff shall thereupon indorse on One of the said Poll Book the Fact of such Neglect or Refusal; and every such Sheriff acting as Returning Officer, shall, by himself or his Agent, as soon as possible after such Proclamation as aforesaid, deliver the same Poll Books, so sealed as aforesaid, directed to the Clerk of the Crown in England, to the Postmaster or Deputy Postmaster or other Chief Officer of the Post Office of the Burgh or Place where such Proclamation shall have been made as aforesaid, who, on Receipt thereof, shall give an Acknowledgment in Writing of such Receipt to such Sheriff, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment signed by such Sheriff; and the said Postmaster or Deputy Postmaster or other Chief Officer of the Post Office, shall despatch all such Poll Books, so sealed and directed as aforesaid, by the First Post or Mail after the Receipt thereof, to the General Post Office in London; and the Postmaster or Postmasters General are hereby directed, immediately on Receipt of such Poll Books, to convey the same to the Crown Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown, or his Deputy; and the said Clerk of the Crown, or his Deputy, is hereby required to give to such Postmaster or Postmasters General delivering the same a Memorandum in Writing, acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown Office; and the said Clerk of the Crown, or his Deputy, is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown Office, and to endorse thereon the Day and Hour upon which he received the same; and every such Sheriff is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter, by the same Post or Mail, to the said Clerk of the Crown, informing him of such Transmission, and giving the Number and Description of such Poll Book so transmitted.

Office Copies of Poll Books to be Evidence.

LX. Office Copies issued by the said Clerk of the Crown, or his Deputy, of such Poll Books shall be taken as Evidence in all Courts of Law in Actions for Bribery or Personation, or for any other Purpose whatsoever.

Clerk of the Crown to preserve Poll Books;

LXI. The said Clerk of the Crown shall keep and preserve the said several Poll Books, and shall deliver to any Person applying for the same an Office Copy of all or any Part of such Poll Books, on Payment of a reasonable Charge for writing the same, and shall also permit any Person to inspect such Poll Books.

and to produce them before Election Committee, if required.

LXII. The said Clerk of the Crown shall, upon receiving a Warrant signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce by himself, or his Agent, before such Committee, the said several Books so deposited with him as aforesaid, and such Production shall be sufficient primâ facie Proof of the Authenticity of the said Poll Books.

Power to Committees on Election Petitions to decide as to Right of voting.

LXIII. Upon any Petition to the House of Commons complaining of an undue Election or Return of any Member to serve in Parliament, it shall be lawful for any Select Committee appointed for the Trial of such Petition to inquire into and decide upon the Right to vote of any Person who, being upon the Register of voters in force at the Time of such Election, shall have voted in such Election, or, not being upon such Register, shall have tendered his Vote at such Election, in case the Name of such Person shall have been specially retained upon such Register, or inserted therein, or expunged or omitted therefrom, by the express Decision of the Sheriff or Court of Appeal who shall have revised the List of Voters from which such Register shall have been formed; and it shall also be lawful for such Committee to inquire into and decide upon the Right to vote of any Person who, being upon such Register, shall have voted in such Election, so far as the same may be disputed on the Ground of legal Incapacity, at the Time of his voting, under and by virtue of any Statute now or hereafter to be in force, or on the Ground of any other legal Incapacity at the Time of his voting which may have arisen subsequently to the Expiration of the Time allowed for making out the List of Voters from which the Register of Voters in force at the Time of such Election shall have been formed; but, except in such Cases or on such Grounds as aforesaid, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive to all Intents and Purposes as to the Right to vote in such Election of every Person who shall be upon such Register.

LXIV. Every Sheriff, Sheriff Clerk, Town Clerk, Clerk of the Crown, Postmaster, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing shall for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of *One hundred Pounds*, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

Penalty on Persons wilfully contravening this Act.

LXV. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Misnomer not to vitiate.

LXVI. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the County or Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the County or Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town, entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited

Interpretation Clause.

17 & 18 Vict. c. 91.

recited Act; the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such Sheriff Clerk; the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

Acts, &c. repealed.

LXVII. The said first-recited Act, and also all Laws, Statutes, and Usages now in force, are hereby repealed, so far as may be necessary to give full Effect to the Provisions of this Act, but no farther, or otherwise.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

FORMS FOR COUNTIES.

No. 1.

Notice to be given by Assessors.

I hereby give notice that all Persons entitled to vote in the Election of a Member to serve in Parliament for the County of , in respect of any Property situate in such County, who are not upon the Register of Voters now in force, or who, being upon the Register, shall not retain the same Qualification as described in such Register, and who are desirous to have their Names inserted in the Register of Voters about to be made for the said County, are hereby required to deliver or transmit to the Assessor [or Assessors, as the Case may be] of the said County at [specify Place or Places at which Notices of Claims to be delivered or transmitted,] on or before the *Twentieth Day of July* in this Year, a Notice in Writing, signed by them, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of their Qualification, must be legibly written, according to the Form hereunder set forth. Any Person who is upon the present Register may also make his Claim, if he thinks fit, but it is not necessary that he should do so, if he has the same Qualification now described in the Register.

Dated this Day of June (Signed) A. B.
in the Year 185 . Assessor of the County of .

N.B. All Persons whose Names appear in the Valuation Roll of the County as Proprietors of Lands and Heritages within the County of an annual Value of not less than Ten Pounds, will be inserted by the Assessor in the "List of Claimants," without any Claim being made otherwise on their Behalf.

Form of Notice of Claim to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, that I claim to be inserted in the List of Voters for the County of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of
in the Year 185 . (Signed) C. D.

Christian and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification, Proprietor, Tenant, or Occupant.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of the Property, if known by any, and Name of the Occupying Tenant; or if the Qualification be a Feu-duty, then the Names of the Owners of the Property out of which such Feu-duty is payable, or some of them; and the Situation of the Property.	Parish in which the Property is situate.

No. 2.

County of .

The List of Persons claiming to be entitled to vote in the Election of a Member of Parliament for the County of , in respect of Property situate in whole or in part within the following Parishes,—

(1.) Parish of .

Margin for entering Assessors Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu-duty, then the Names of the Owners of the Property out of which such Feu-duty is payable, or some of them; and the Situation of the Property.

(Signed) A. B.
Assessor of the County of .

No. 3.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, that I object to the Name of the Person mentioned and described below being retained in the List of Voters for the County of

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described in List or Designation as in Register.	Nature of Qualification so described.	Street, Lane, or other Place where the Qualifying Property is situate, &c., as described in the List or Register.	Parish in which Property is situate.

Dated the Day of
in the Year 185 .
(Signed) E. F.
(Place of Abode.)

No. 4.

Notice of Objection to be given to Parties objected to by any Person other than Assessors.

County of , Parish of
To Mr. of

Take notice, that I object to your Name being retained in the List of Voters for the County of

Dated this Day of (Signed) E. F.
185 (Place of Abode)
on the Register of Voters for
the Parish of

No. 5.

List of Persons objected to, to be published by Assessors.

County of .

The following Persons have been objected to, as not being entitled to have their Names retained in the List of Voters for the County of .

(1.) Parish of .

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of the Property, and the Name of the Tenant; or if the Qualification be a Feu-duty, then the Names of the Owners of the Property out of which such Feu-duty is payable, or some of them, and the Situation of the Property.

(Signed) A. B.
Assessor of the County of .

SCHEDULE B.

Forms for Burghs.

No. 1.

The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

(1.) Parish of .

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate, and Number of House (if any).

(Signed) A. B.
Assessor of the Burgh of .

No. 2.

Forms of Notice of Claim to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice that I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) C. D.

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).	Parish in which Property is situate.

No. 3.

Burgh of .

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (or Members) of Parliament for the Burgh of .

(1.) Parish of .

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate, and Number of the House (if any).

(Signed) A. B.
Assessor of the Burgh of .

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I object to the Name of being retained in the List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.
(Place of Abode.)

No. 5.

Form of Notice of Objection to be given to Parties objected to.

County of , Parish of .

To Mr. .

Take notice, that I object to your Name being returned on the List of Persons entitled to vote in the Election of Members (or a Member) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.
(Place of Abode.)

For the List of Voters for the Parish of .

No. 6.

List of Persons objected to, to be published by the Assessors.

Burgh of .

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (or Members) for the Burgh of :—

(1.) Parish of .

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate, and Number of the House (if any).

(Signed) A. B.
Assessor of the Burgh of

SCHEDULE D.

No. 1.

Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names :—

	s.	d.
Not exceeding 100 Names - - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - - - -	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names :—

	s.	d.
Not exceeding 1000 Names - - - -	1	0
Exceeding 1000 and not exceeding 3000 - -	2	6
Exceeding 3000 and not exceeding 6000 - -	5	0
Exceeding 6000 and not exceeding 9000 - -	7	6
Exceeding 9000 - - - - - -	10	0

Registration of Voters (Scotland).

A

BILL

To amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1856.

[Bill 126.]

Under 5 *oz.*

2 *June* 1856. 19 Vict.

(Scotland.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland.

[Note.—*The Clauses marked* A. *to* K. *were added by the Select Committee.*]

Preamble.

2 & 3 W. 4. c. 65.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An Act to "amend the Representation of the People in Scotland;" and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Provisions of recited Act.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties and Burghs respectively in Scotland, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Sheriff Clerks to deliver annually to County Assessors a Copy of the Register of Voters.

II. The Sheriff Clerk of every County shall, on or before the Thirty-first Day of July in the present and the Thirtieth Day of June in every future Year, make, and cause to be delivered to the Assessor of his County, a Copy of the Register of Voters then in force for such County, arranged in Parishes; the Voters in each Parish being kept distinct and separate, and arranged alphabetically under separate Heads.

CLAUSE A. Future Valuation Rolls of Counties to set forth additional Particulars.

III. In all future Valuation Rolls to be made up in Counties in Terms of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, the Assessors of the County shall, in addition to the Particulars which are by the said Act required to be ascertained by them, and to be entered in such Roll, ascertain and enter in such Roll, as after mentioned, the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards; and also, where any Feu Duty or Ground Annual payable for any Subject or Subjects stated in such Roll shall be of the Amount of Ten Pounds or upwards, the Name and Designation of the Proprietor of such Feu Duty or Ground Annual, with the Amount thereof, and the Description of the Subjects out of which the same is payable; and also the Rent, calculated in Terms of the Ninth Section of the Act passed in the Second and Third Years of King William the Fourth, Chapter Sixty-five, payable by every Tenant holding any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks, or as of the yearly Value of Fifty Pounds or upwards under any Lease originally granted for not less than Nineteen Years; and it shall be lawful for every such Assessor, in order to the Ascertainment of such Particulars, to exercise all the Powers which under the said Act of the Seventeenth and Eighteenth Years of Her Majesty he may lawfully exercise for the Purposes thereof.

CLAUSE B. New Form of County Valuation Rolls.

IV. The Valuation Rolls of Counties shall for the future be annually made up in the Form of the Schedule A. hereunto annexed, in place of the Form at present in use; and, where any Person or Persons shall be entered in such Valuation Roll in Terms of this Act as a Proprietor of Feu Duties or Ground Annuals, such Entry or Entries shall be made in a distinct and separate Form, and by way of Addition at the End thereof.

County Assessors to make up Lists of new Voters, and to mark on old Register Persons objected to, and dead;

V. The Assessor of every County shall, on or before the Fifteenth Day of August in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule (B.) hereunto annexed, a List, arranged alphabetically in Parishes, of all Persons not contained in the said Copy of the Register who, with reference to his Valuation, may be entitled to vote in the Election of a Member to serve in Parliament for such County; and in such List the Christian Name and Surname of every such Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, shall be written; and the Assessor, if he shall have reasonable Cause to believe that any Person whose Name shall appear in the Copy of the Register received by him from the Sheriff Clerk, is not entitled to have his Name upon the Register then next to be made, shall add or cause to be added the Word "objected" before the Name of such Person on the Margin of such List, or of the said Copy of the Register; and the Assessor shall also add or cause to be added the Word "Dead" before the Name of every Person in the said Copy of the Register whom he shall have reasonable Cause to believe to be dead; and the Assessor shall, on or before the Fifteenth Day of August in every Year, publish in some One or more Newspapers circulating in the County such List, and also a List, arranged alphabetically in Parishes, of the Persons already on the Register objected to by him, and believed by him to be dead, respectively as aforesaid; and shall specify in such Advertisement the Office or Place at which such first-mentioned List and Copy of the Register will be open to Perusal as after mentioned; and shall likewise cause a sufficient Number of Copies of such first-mentioned List, and of the said Copy of the Register, with all such marginal Additions as aforesaid, to be written or printed; and shall keep a Copy of such first-mentioned List, and the said Copy of the Registrar, with the marginal Additions thereon, signed by him, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, from the Sixteenth to the Twenty-fifth Days of August, both inclusive; and shall deliver Copies thereof, or of any Parish or Part thereof, signed by him, to all Persons applying for the same, on Payment of a Price for every such Copy after the Rate contained in the Table Number 1. of the Schedule D. hereunto annexed: Provided always, that if any Person who may desire not to be inserted in such first-mentioned List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and to publish such Lists;

and all Persons may have Copies.

CLAUSE C.

Persons omitted in List of new

VI. Every Person whose Name shall have been omitted in any such first-mentioned List, or such Copy of the Register, and who shall claim

Voters or Copy of Register, to lodge Claims ;

as having been entitled on the last Day of July then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, or Copy of the Register, shall, on or before the Twenty-fifth Day of August in such Year, give a Notice according to the Form No. 2. of the said Schedule B., or to the like Effect, to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in alphabetical Lists according to the Form Number 3. of the said Schedule B., signed by him.

and County Assessor to make up List of Claimants.

Objections may be lodged by Voters on Register.

VII. In every Year, every Person upon the Register for the Time being for any County may object to any other Person as not having been entitled, on the last Day of July next preceding, to have his Name inserted in any List of Voters for such County; and every Person so objecting (except Assessors objecting as aforesaid) shall, on before the Twenty-fifth Day of August in such Year, give or cause to be given to the Assessor of such County a Notice according to the Form Number 4. of the said Schedule B., or to the like Effect; and shall also, on or before such Twenty-fifth Day of August, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode, as described in such List, a Notice according to the Form Number 5. of the said Schedule B., or to the like Effect; and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

List of Persons objected to to be made up and published.

VIII. The Assessor of the County shall, in every Year, include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year, in a List, arranged alphabetically in Parishes, according to the Form Number 6. of the said Schedule B.; and shall, on or before the First Day of September in such Year, publish such List and the said List of Claimants in some One or more Newspapers circulating in such County; and shall specify in such Advertisement the Office or Place at which such Lists will be open to Perusal as after mentioned; and shall keep a Copy of such Lists, and also the Notices of Claims and Objections which he shall have received, unless when in use in the Registration Court, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, during the first Fourteen Days of the said Month of September; and shall deliver Copies of such Lists, or either of them, signed by him, to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.

IX. On or before the Twenty-ninth Day of August in each Year, the Assessor of the County shall deliver to the Sheriff Clerk of the County the said Copy of the Register, with the marginal Additions thereon, and the said first-mentioned List, and also the said Lists of Persons claiming and objected to, respectively signed by him as aforesaid.

County Assessors to deliver Lists, &c. to Sheriff Clerks.

X. The Assessor of every Burgh shall, on or before the Fifteenth Day of August in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule C. hereunto annexed, a List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and such List shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and such Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and as regards all other Places, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be written or printed; and shall, on or before the said Fifteenth Day of August in every Year, publish Copies of the said List, by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also, on or before such Fifteenth Day of August, give Notice by Advertisement in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Perusal, and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, from the Sixteenth to the Twenty-fifth Days of August, both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.: Provided always, that if any Person who may desire not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

Burgh Assessors to make out List of Voters;

and to publish such List;

and all Persons may have Copies.

Persons omitted in such Lists, &c. to lodge Claims;

XI. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the last Day of July then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall on or before the Twenty-fifth Day of August in such Year give a Notice according to the Form Number 2. of the said Schedule C. or to the like Effect to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in Lists arranged as aforesaid, according to the Form Number 3. of the said Schedule C., signed by him.

and Burgh Assessors to make up Lists of Claimants.

Objections to be lodged.

XII. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the last Day of July next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the Twenty-fifth Day of August in such Year give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule C. or to the like Effect, and shall also on or before such Twenty-fifth Day of August give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule C. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Burgh Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

XIII. The Assessor shall, in every Year, include the Names of all Persons so objected to in a List arranged as aforesaid, according to the Form Number 6. of the said Schedule C., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the First Day of September in each Year, by advertising a Copy thereof in One or more Newspapers circulating in the Burgh; and shall specify in such Advertisement the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal; and Copies of the said Lists, and also the Notices of Claims and Objections which he shall have received, shall, unless when in use in the Registration Court in Terms of this Act, be open, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, during the first Fourteen Days of September in the said Year; and the Assessor shall deliver Copies of the said Lists, or either of them, to any Person requiring the same, on Payment of

and all Persons may have Copies.

of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule D.

Burgh Assessors to deliver Lists to Town Clerks.

XIV. On or before the Twenty-ninth Day of August in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessor to be nominated specially for this Act.

XV. Where, in any County or Burgh, there shall be more than One Assessor in and for such County or Burgh, it shall be the Duty of the Commissioners of Supply of the County and of the Magistrates of the Burgh respectively, as soon as may be after the passing of this Act, and at latest within Three Weeks after the passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also to make public Advertisement of such Appointment in some One or more Newspapers circulating in such County or Burgh respectively; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where, in any County or Burgh, an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Commissioners of Supply, or of the Magistrates, as the Case may be, at latest within Three Weeks thereafter, to appoint another Assessor to act as aforesaid, and to make public Advertisement of such Appointment as before mentioned; and in the event of such Commissioners or Magistrates respectively failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within Five Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such County or Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

CLAUSE D. Assessors disqualified from voting.

XVI. Every Assessor in any County or Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such County or Burgh, and also, in the Case of Burgh Assessors, from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

XVII. Whenever any Notice is by this Act required to be given to the Assessor of any County or Burgh, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

Advertisements under this Act.

XVIII. In all Cases where any Document is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than Six and not later than Eight Days after the Day on or before which such Advertisement is herein required to be published.

Lists put up to be maintained; and Provision for replacing same.

XIX. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive Sundays at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

XX. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall for every such Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Lists not invalidated by deficient Publication.

XXI. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

XXII. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

CLAUSE E.
Provision for filling up ad interim

XXIII. Where in any County or Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform ad interim the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Offices on which Duties are imposed by this Act.

XXIV. Any Person whose Name shall be on any List of Voters for the Time being for any County or Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, between the Sixteenth Day of August and the Thirty-first Day of October, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XXV. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor of any County or Burgh, in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of August in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as primâ facie Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the Fifteenth Day of May in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as primâ facie Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this

Valuation Roll to be primâ facie Evidence of Matters stated therein.

this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Sheriff Clerks and Town Clerks to transmit Abstracts of Lists to Sheriffs.

XXVI. Each Sheriff Clerk and Town Clerk respectively shall, on the Twenty-ninth Day of August in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his County or Burgh respectively to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in each District thereof.

Sheriffs to hold Courts for revising County Lists.

XXVII. Every Sheriff shall, between the First Day of September and the First Day of October in each Year, revise the Lists of his County, and for this Purpose shall hold open Courts during the said Period at the Places prescribed in the said recited Act; and shall, on or before the First Day of August in each Year, deliver to the Sheriff Clerk of his County a written Notice of the Days within the Period above mentioned on which he is to hold his Courts; and the Sheriff Clerk shall forthwith cause public Notice thereof to be given by Advertisement, in One or more Newspapers circulating within such County, and shall cause a Copy of such Notice to be delivered to the Clerk of Supply, and to each of the Assessors of such County, and shall require them to attend at the Courts therein appointed.

Sheriffs to hold Courts for revising Burgh Lists.

XXVIII. Every Sheriff shall, between the First Day of September and the First Day of October in each Year, revise the Lists of the several Burghs within his County, and for this Purpose shall hold open Courts during the said Period at the Places prescribed in the said recited Act; and shall, on or before the First Day of August in each Year, deliver to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold his Courts for Revision of the Lists of such Burgh; and such Town Clerk shall forthwith cause public Notice thereof to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessors of such Burgh, and shall require them to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Sheriff Clerks, &c. to attend County

XXIX. The Sheriff Clerk of every County, at the opening of the First Court as aforesaid, shall deliver to the Sheriff the List of Voters for the then current Year, that is to say, the List first-mentioned made up by the Assessor, the Copy of the Register, with the marginal Additions as aforesaid, and the Lists of Persons claiming and objected to in the said Year, relating to the said County, and also One or more printed Copies of the Register of Voters then in force for the said County; and the Clerk of Supply and all Assessors of the County shall attend the Courts to be holden as aforesaid for revising the Lists of such County, and the Assessors shall deliver to the Sheriff the original Notices of Claim and Notices of Objection; and it shall be the Duty of the Person having the Custody for the Time of the Valuation Roll then in force, to have the same on the Table of such Registration Court; and the Sheriff Clerk, Clerk of Supply, and Assessors shall respectively produce all Documents, Papers, and Writings in their Power, touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

Registration Courts, and produce Lists, Valuation Rolls, &c.

XXX. The Town Clerk of every Burgh, and all Assessors of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff the List of Voters; that is to say, the List first made out by such Town Clerk, and the Lists of Claimants and of Persons objected to in the said Year, relating to such Burgh, and also One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and it shall be the Duty of the Person having the Custody of the Valuation Roll then in force, to have the same on the Table of the Registration Court; and the Town Clerk and Assessors respectively shall produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly

TownClerks, &c. to attend Burgh Registration Courts, and produce Lists, Valuation Rolls, &c.

XXXI. Any Person whose Name shall appear in the List of Voters of any Parish in and for any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in any such List, and whose Place of Abode shall not be within the same County, shall be at liberty, in like Manner, to make his Claim to vote at the Polling Place of any District

County Voters may be transferred from one Polling District to another.

District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall then be lawful for the Sheriff to insert in the List of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at every contested Election for the said County at the said last-mentioned Polling Place, and not elsewhere, anything in the said recited Act to the contrary notwithstanding.

Claimants omitted in County or Burgh Lists may be enrolled by Sheriff.

XXXII. If any Person who shall have given to the Assessor of any County or Burgh due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such County or Burgh, as the Case may be, shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the last Day of July last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

But Claims omitted may be objected to.

XXXIII. It shall be lawful for any Person whose Name shall be on any List of Voters for any County or Burgh to oppose the Claim of any Person so omitted to have his Name inserted in the List of Voters for the same County or Burgh; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

CLAUSE F. County Assessor to support his Objections at Registration and Appeal Courts.

XXXIV. It shall be the Duty of every County Assessor to support by Evidence, so far as necessary, at the Registration Court and Court of Appeal, every Statement and Objection set forth by him on the List of Voters or Copy of the Register, unless in so far as he may have been satisfied that such Statement or Objection is not well founded; and it shall also be competent to any Person on the Register or List of Voters for such County to support, by himself, his Agent or Mandatory, any Statement or Objection made by such Assessor.

XXXV. The

Sheriffs to revise and correct Lists.

XXXV. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXXVI. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act, upon ex parte Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff, or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

Sheriffs may adjourn Registration Courts, but to conclude Business by 30th September annually.

XXXVII. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same County, or within the same Burgh, but so that no such adjourned Court shall be holden after the Thirtieth Day of September in any Year; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any Insertion made by him; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly; and at the holding of such respective Courts of Registration and Appeal no Person shall appear or be attended by Counsel.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Sheriff Clerk and Town Clerk respectively for Production at Appeal Courts.

XXXVIII. On the Revision of the Lists of Voters for any County or Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the First Day of October in such Year, deliver the same to the Sheriff Clerk of such County, or the Town Clerk of such Burgh, as the Case may be; and it shall be the Duty of such Sheriff Clerk and Town Clerk respectively to retain the same in their Possession, and to produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

Persons dissatisfied may appeal, and all Appeals to be disposed of by 31st October annually.

XXXIX. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their Courts for disposing of such Appeals on some Day between the Thirtieth Day of September and Eighth Day of October in each Year, and shall finally determine all such Appeals, in Burghs on or before the Twenty-first Day of October thereafter, and in Counties on or before the Thirty-first Day of October thereafter: Provided also, that, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

Sheriff Clerks &c., to attend Appeal Courts.

XL. All Sheriff Clerks, Town Clerks, Clerks of Supply, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act, shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Sheriff Clerks to print County Lists, and authenticate them.

XLI. The Sheriff Clerk of every County shall forthwith, after the Thirty-first Day of October in each Year, or sooner if the Appeal Court shall be earlier concluded, cause the Lists of Voters for such County, signed as aforesaid, to be copied and printed in a Book or Books, arranged with the Names in each Parish in strict alphabetical Order, according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish within the said Polling District likewise in alphabetical Order; and shall, after the last List for such Polling District, insert an additional List, in like alphabetical Order, of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall, in manner herein-before mentioned, have been registered to vote at the Polling Place of such last-mentioned District, and shall, in the said Book, prefix to every Name its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such additional List inserted after the last List for every Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form that the List of Voters of and for each and every separate Parish and Polling District contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling District, or the List of every or any single Parish, may be ready for the Purposes of this Act, or for Sale; and the said Sheriff Clerk shall sign the said Book or Books, and deliver the same, on or before the Thirtieth Day of November in the then current Year, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Town Clerks to print Burgh Lists, and authenticate them.

XLII. The Town Clerk of every Burgh shall forthwith, after the Thirtieth Day of September in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book, arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses, commencing with the lowest and ending with the highest Number; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Book shall be so arranged and printed, that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached, and ready for the Purposes of this Act, or for Sale as aforesaid; and the said Town Clerk shall forthwith after the Twenty-first Day of October in each Year make all such Corrections and Alterations on the said Book as may be necessary to give Effect to all Decisions of the Court of Appeal, and shall prefix to every Name in the said Register Book its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name; and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same, on or before the said Thirtieth Day of November, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XLIII. The said printed Book or Books so signed as aforesaid by the Sheriff Clerk or Town Clerk respectively, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same County or Burgh respectively between the Thirtieth Day of November in the Year wherein such Register shall have been made and the First Day of December in the succeeding Year; and the Sheriff Clerk of every County, and the Town Clerk of every Burgh respectively, shall keep printed Copies of such Register for such County and Burgh respectively, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table Number 2. of the Schedule D. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Polling District of a County, or any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Parish, Ward, or Polling District respectively: Provided also, that the Register of Electors now existing shall be the Register in force until the First Day of December in the Year One thousand eight hundred and fifty-six: Provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County on its being proved to him to exist; and such Correction shall be made by the Sheriff writing such Correction on such printed Book, and signing his Name and the Date of such Correction against the same.

Register of Voters to be in force till

XLIV. Every Register of Voters established or that shall be established for any County or Burgh shall continue to be the

Register for such County or Burgh until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

new Register established.

Clause G.
Burgh Registers under this Act to come in place of Registers established by 2 & 3 W.4. c. 65.

XLV. The Register of Voters established by this Act in any Burgh shall, for all the Purposes of the Act passed in the Third and Fourth Years of King William the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the first-recited Act.

Payments by Persons claiming to be registered, &c. abolished.

XLVI. All Provisions of the first-recited Act as to any Payments thereby required to be made by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote, are hereby repealed.

How Distances to be measured.

XLVII. The Distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the Principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

Agents and Mandatories may act for Party.

XLVIII. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be primâ facie a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

Clause H.
No written Pleadings to be allowed in Registration Courts.

XLIX. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

Penalty on Persons not attending Registration Courts when required.

L. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Clause I.
Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

LI. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be cited, as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others for Neglect of Duty.

LII. Any Assessor of any County or Burgh who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act; and any Sheriff Clerk or Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor, Sheriff Clerk, or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Pur-

LIII. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any County or Burgh, he shall pay over the Sum so received by him to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act.

poses of this Act.

Accounts to be kept of Monies received under this Act.

LIV. The Sheriff Clerk of every County and the Town Clerk of every Burgh respectively, shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act; and shall account for and pay over the same to the Assessor of such County or Burgh, as the Case may be, for the Purposes of this Act; and in like Manner every Assessor in every County and Burgh shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

LV. As soon as may be after the Completion of each annual Registration under this Act, the Commissioners of Supply of each County, and the Magistrates of each Burgh, shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such County and Burgh respectively, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively, which they may deem proper; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor of such County or Burgh respectively, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Commissioners of Supply and Magistrates respectively shall cause the Amount of such Excess to be apportioned upon the Parishes within such County and Burgh respectively, according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and

Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any County or Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of each County, and the Magistrates of each Burgh, respectively, in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no County or Burgh shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

LVI. At every future Election for a Member or Members to serve in Parliament for any County or Burgh, or District of Burghs, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

Provision as to administering Oath to Voters abolished.

LVII. All the Provisions contained in the first-recited Act touching or concerning the administering and taking of any Oath, except the Oath against Bribery, at the Time of polling, shall be and the same are hereby repealed.

No Inquiry at Elections except as to Identity and previous voting, as to which Oath may be administered.

LVIII. In all Elections whatever of a Member to serve in Parliament for any County or Burgh, or District of Burghs, no Inquiry shall be permitted at the Time of polling as to the Right of any Person to vote, except only as follows; (that is to say,) that the Polling Sheriff shall, if required on behalf of any Candidate, administer an Oath to any Voter at the Time of his tendering his Vote, and not afterwards, in the following Form:—

'YOU do swear [or affirm, as the Case may be], that you are
' the same Person whose Name appears as A. B. on the
' Register of Voters now in force for the County [or Burgh]
' of [as the Case may be], and that you have not before
' voted, either here or elsewhere, at this Election for the County [or
' Burgh] of [as the Case may be].'

And if any Person shall wilfully take such Oath falsely he shall be deemed guilty of Perjury, and shall and may be prosecuted and punished accordingly.

Such Oath, and the Oath of Bribery, to be alone competent.

LIX. Save as aforesaid, it shall not be lawful to require any Voter at any Election whatever of a Member to serve in Parliament to take any Oath, other than the Oath against Bribery, any Law or Statute, local or general, to the contrary notwithstanding, nor to reject any Vote tendered at such Election by any Person whose Name shall be upon the Register of Voters in force for the Time being, except by reason of such Person refusing to take the said Oath or to take the Oath against Bribery.

Persons guilty of Personation to be punished.

LX. If, at any Election of a Member to serve in Parliament for any County or Burgh, any Person shall knowingly personate and falsely assume to vote in the Name of any other Person whose Name appears on the Register of Voters then in force for such County or Burgh, whether such other Person shall then be living or dead, or if the Name of the said other Person be the Name of a fictitious Person, every such Person shall be guilty of an Offence, and on being convicted thereof, before any Sheriff, or any Two Justices of the Peace acting in and for any County or Burgh within which the said Person shall have voted, shall be punished by Imprisonment for a Term not exceeding Two Years, together with Hard Labour.

Abettors to be punished as Principals.

LXI. Every Person who shall aid, abet, counsel, or procure the Commission of any such last-mentioned Offence shall be liable to be prosecuted and punished as a principal Offender.

Duty of Polling Sheriff where One Vote has been received and another tendered on same Qualification.

LXII. In case the Vote of any Person shall have been received, and any other Person shall afterwards tender his Vote as being registered in respect of the same Qualification, stating at the Time the Name or Names of the Candidate or Candidates for whom he tenders such Vote, the Polling Sheriff shall enter upon the Poll Book every Vote so tendered, distinguishing the same from the Votes admitted and allowed at such Election; provided such Person shall duly make the Oath herein-before authorized to be administered to any Voter at the Time of tendering his Vote.

Provision for safe Custody of Poll Books.

LXIII. At every contested Election of a Member to serve in Parliament for any County or Burgh, the Sheriff acting as Returning Officer, after having declared the State of the Poll, and made Proclamation of the Member chosen to serve in Parliament, in the Manner provided for by the first-recited Act, shall forthwith enclose and seal up the several Poll Books, and tender the same to each of the Candidates, to be sealed by them respectively; and in case any Candidate shall neglect or refuse to seal the same, the said Sheriff shall thereupon indorse on One of the said Poll Books the Fact of such Neglect or Refusal; and every such Sheriff acting as Returning Officer, shall, by himself or his Agent, as soon as possible after such Proclamation as aforesaid, deliver the same Poll Books, so sealed as aforesaid, directed to the Clerk of the Crown in

England, to the Postmaster or Deputy Postmaster or other Chief Officer of the Post Office of the Burgh or Place where such Proclamation shall have been made as aforesaid, who, on Receipt thereof, shall give an Acknowledgment in Writing of such Receipt to such Sheriff, expressing therein the Time of such Delivery, and shall keep a Duplicate of such Acknowledgment signed by such Sheriff; and the said Postmaster or Deputy Postmaster or other Chief Officer of the Post Office shall despatch all such Poll Books, so sealed and directed as aforesaid, by the First Post or Mail after the Receipt thereof, to the General Post Office in London; and the Postmaster or Postmasters General are hereby directed, immediately on Receipt of such Poll Books, to convey the same to the Crown Office, and to deliver the same there, so sealed as aforesaid, to the said Clerk of the Crown, or his Deputy; and the said Clerk of the Crown, or his Deputy, is hereby required to give to such Postmaster or Postmasters General delivering the same a Memorandum in Writing, acknowledging the Receipt of such Poll Books, and setting forth the Day and Hour when the same were delivered at the Crown Office; and the said Clerk of the Crown, or his Deputy, is hereby required, immediately on Receipt of such Poll Books, to register the same in the Books of the said Crown Office, and to endorse thereon the Day and Hour upon which he received the same; and every such Sheriff is hereby required, at the Time of transmitting such Poll Books as aforesaid through the Post Office, to address and forward a Letter, by the same Post or Mail, to the said Clerk of the Crown, informing him of such Transmission, and giving the Number and Description of such Poll Book so transmitted.

Office Copies of Poll Books to be Evidence.

LXIV. Office Copies issued by the said Clerk of the Crown, or his Deputy, of such Poll Books, shall be taken as Evidence in all Courts of Law in Actions for Bribery or Personation, or for any other Purpose whatsoever.

Clerk of the Crown to preserve Poll Books;

LXV. The said Clerk of the Crown shall keep and preserve the said several Poll Books, and shall deliver to any Person applying for the same an Office Copy of all or any Part of such Poll Books, on Payment of a reasonable Charge for writing the same, and shall also permit any Person to inspect such Poll Books.

And to produce them before Election Committee, if required.

LXVI. The said Clerk of the Crown shall, upon receiving a Warrant signed by the Chairman of any Committee of the House of Commons appointed for the Trial of controverted Elections, produce by himself, or his Agent, before such Committee, the said several Books so deposited with him as aforesaid, and such Production shall be sufficient primâ facie Proof of the Authenticity of the said Poll Books.

Power to Committees on Election Petitions to decide as to Right of voting.

LXVII. Upon any Petition to the House of Commons complaining of an undue Election or Return of any Member to serve in Parliament, it shall be lawful for any Select Committee appointed for the Trial of such Petition to inquire into and decide upon the Right to vote of any Person who, being upon the Register of Voters in force at the Time of such Election, shall have voted in such Election, so far as the same may be disputed on the Ground of personal Incapacity at the Time of his voting, under and by virtue of any Statute now or hereafter to be in force; but, except in such Case or on such Ground as aforesaid, the Register of Voters in force at the Time of such Election shall, so far as regards the Proceedings before such Committee, be final and conclusive to all Intents and Purposes as to the Right to vote in such Election of every Person who shall be upon such Register.

Penalty on Persons wilfully contravening this Act.

LXVIII. Every Sheriff, Sheriff Clerk, Town Clerk, Clerk of the Crown, Postmaster, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the beforementioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

Misnomer not to vitiate.

LXIX. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Interpretation Clause.

LXX. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows,

17 & 18 Vict. c. 91.

except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the County or Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the County or Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited Act; the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such Sheriff Clerk; the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

CLAUSE K.
Act not to apply to Orkney and Shetland.

LXXI. Nothing in this Act shall apply to the Counties of Orkney and Shetland, or to any Burghs locally situated within the same.

Acts, &c. repealed.

LXXII. The said first-recited Act, and also all Laws, Statutes, and Usages now in force, are hereby repealed, so far as may be necessary to give full Effect to the Provisions of this Act, but no farther or otherwise.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

No.	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.			1854.	1855.	1856.	1857.	1858.
1	Farm of	A.B. of C. -	E. F., residing at .	—	G. H., residing at .	—	£10 10.	5s.	£60	—	—	—	—
	—	—	—	—	—	—	—	—	—	£60	—	—	—
	—	—	—	—	—	—	—	—	—	—	£65	—	—
	—	—	—	—	—	—	—	—	—	—	—	£65	—
	—	—	—	—	—	—	—	—	—	—	—	—	£65
2	Manor House and Grounds of .	A.B. of C. -	L.M., Advocate	L.M., Advocate -	—	—	—	—	£40	—	—	—	—
	—	—	O.P. of Q. -	—	—	—	—	—	—	£40	—	—	—
	—	—	—	—	—	—	—	—	—	—	£40	—	—
	—	—	—	—	—	—	—	—	—	—	—	£40	—
	—	—	—	—	—	—	—	—	—	—	—	—	£40

Proprietors of Feu Duties and Ground Annuals.

No.	Proprietor of Feu Duty or Ground Annual.	Description of Subject.	Proprietor of Subject.	Amount of Feu Duty or Ground Annual.				
				1854.	1855.	1856.	1857.	1858.
350	K.L. of M. - -	Houses and Ground in Village of .	C.D., residing at	£15	—	—	—	—
	—	—	—	—	£15	—	—	—
	—	—	—	—	—	£15	—	—
	—	—	—	—	—	—	£15	—
	—	—	—	—	—	—	—	£15

SCHEDULE B.

Forms for Counties.

No. 1.

County of .

The List of Persons entitled to vote in the Election of a Member of Parliament for the County of , in respect of Property situate in whole or in part within the following Parishes:—

(1.) Parish of .

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them; and the Situation of the Property.

(Signed) A. B.
Assessor of the County of .

No. 2.

Form of Notice of Claim to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, that I claim to have my Name inserted in the List of Voters for the Election of a Member for the County of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of
in the Year 185 . (Signed) C. D.

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 3.

County of .

List of Persons claiming to have their Names inserted in the List of Voters for the Election of a Member of Parliament for the County of .

(1.) Parish of .

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, that I object to the Name of the Person mentioned and described below being retained in the List of Voters for the County of .

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described in List, or Designation as in Register.	Nature of Qualification as so described.	Street, Lane, or other Place where the Qualifying Property is situate, &c., as described in the List or Register.	Parish in which Property is situate.

Dated the Day of
in the Year 185 (Signed) E. F.
(Place of Abode.)

No. 5.

Notice of Objection to be given to Parties objected to by any Person other than Assessors.

County of , Parish of

To Mr. of

Take notice, that I object to your Name being retained in the List of Voters for the County of

Dated this Day of (Signed) E. F.
185 (Place of Abode.)

No. 6.

List of Persons objected to, to be published by Assessors.

County of .

The following Persons have been objected to, as not being entitled to have their Names retained in the List of Voters for the County of .

(1.) Parish of

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House, (if any,) or Name of the Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them, and the Situation of the Property.

(Signed) A. B.
Assessor of the County of .

SCHEDULE C.

Forms for Burghs.

No. 1.

The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) A. B.
Assessor of the Burgh of .

No. 2.

Forms of Notice of Claim to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) C. D.

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

No. 3.

Burgh of .

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (or Members) of Parliament for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) A. B.
Assessor of the Burgh of .

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I object to the Name of being retained in the List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.
(Place of Abode.)

No. 5.

Form of Notice of Objection to be given to Parties objected to.

Burgh of .

To Mr. .

Take notice, that I object to your Name being retained on the List of Persons entitled to vote in the Election of Members (or a Member) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.
(Place of Abode.)

No. 6.

List of Persons objected to, to be published by the Assessors.

Burgh of .

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (or Members) for the Burgh of :—

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate.

(Signed) A. B.
Assessor of the Burgh of

SCHEDULE D.

No. 1.

Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 100 Names	0	6
Exceeding 100 and not exceeding 200	1	0
Exceeding 200 and not exceeding 300	1	6
Exceeding 300 and not exceeding 400	2	0
Exceeding 400	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 1000 Names	1	0
Exceeding 1000 and not exceeding 3000	2	6
Exceeding 3000 and not exceeding 6000	5	0
Exceeding 6000 and not exceeding 9000	7	6
Exceeding 9000	10	0

Registration of Voters (Scotland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Scotland.

(*Prepared and brought in by*
The Lord Advocate, Sir George Grey, and
Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed,*
2 *June* 1856

[Bill 158.]

Under 4 *oz.*

18 *June* 1856. 19 VICT.

(Scotland.)

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE AND IN COMMITTEE]

TO

Amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland.

Preamble.

2 & 3 W. 4. c. 65.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An Act to "amend the Representation of the People in Scotland;" and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Provisions of recited Act.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Burgh Assessors to make out List of Voters;

II. The Assessor of every Burgh shall, on or before the Fifteenth Day of August in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule A. hereunto annexed, a List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and such List shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and such Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and as regards all other Places, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be written or printed; and shall, on or before the said Fifteenth Day of August in every Year, publish Copies of the said List, by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also, on or before such Fifteenth Day of August, give Notice by Advertisement in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Perusal; and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, from the Sixteenth to the Twenty-fifth Days of August, both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the Schedule B. hereto annexed: Provided always, that if any Person who may desire his Name not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and to publish such List;

and all Persons may have Copies.

Persons omitted in such Lists, &c. to lodge Claims;

III. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the last Day of July then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall on or before the Twenty-fifth Day of August in such Year give a Notice according to the Form Number 2. of the said Schedule A. or to the like Effect to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in Lists arranged as aforesaid, according to the Form Number 3. of the said Schedule A., signed by him.

and Burgh Assessors to make up Lists of Claimants.

Objections to be lodged.

IV. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the last Day of July next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the Twenty-fifth Day of August in such Year give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule A. or to the like Effect, and shall also on or before such Twenty-fifth Day of August give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule A. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Burgh Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

V. The Assessor shall, in every Year, include the Names of all Persons so objected to in a List arranged as aforesaid, according to the Form Number 6. of the said Schedule A., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the First Day of September in each Year, by advertising a Copy thereof in One or more Newspapers circulating in the Burgh; and shall specify in such Advertisement the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal; and Copies of the said Lists, and also the Notices of Claims and Objections which he shall have received, shall, unless when in use in the Registration Court in Terms of this Act, be open, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, during the first Fourteen Days of September in the said Year; and the Assessor shall deliver Copies of the said Lists, or either of them, to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule B.

and all Persons may have Copies.

Burgh Assessors to deliver Lists to Town Clerks.

VI. On or before the First of September in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessor to be nominated specially for this Act.

VII. Where in any Burgh there shall be more than One Assessor in and for such Burgh, it shall be the Duty of the Magistrates of the Burgh, as soon as may be after the passing of this Act, and at latest within Three Weeks after the passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also to make public Advertisement of such Appointment in some One or more Newspapers circulating in such Burgh; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any Burgh an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Magistrates, at latest within Three Weeks thereafter, to appoint another Assessor to act as aforesaid, and to make public Advertisement of such Appointment as before mentioned; and in the event of such Magistrates failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within Five Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessors disqualified from voting.

VIII. Every Assessor in any Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such Burgh, and also from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

IX. Whenever any Notice is by this Act required to be given to the Assessor, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

Advertisements under this Act.

X. In all Cases where any Document is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than Six and not later than Eight Days after the Day on or before which such Advertisement is herein required to be published.

Lists put up to be maintained; and Provision for replacing same.

XI. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive Sundays at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Penalty for injuring Lists put up.

XII. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall for every such Offence forfeit a Sum not exceeding Forty Shillings nor less than Ten Shillings, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Lists not invalidated by deficient Publication.

XIII. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

XIV. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer or other Person to whom Claims or Objections are appointed to be given in or transmitted.

Provision for filling up ad interim Offices on which Duties are imposed by this Act.

XV. Where in any Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be be competent for the Sheriff of the County, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform ad interim the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

XVI. Any

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XVI. Any Person whose Name shall be on any List of Voters for the Time being for any Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except Sunday, between the Sixteenth Day of August and the Thirty-first Day of October, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Roll to be primâ facie Evidence of Matters stated therein.

XVII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of August in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as primâ facie Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the Fifteenth Day of May in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as primâ facie Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Town Clerks to transmit Abstracts of Lists to Sheriffs.

XVIII. Each Town Clerk shall, on the Twenty-ninth Day of August in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his Burgh to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in such Burgh.

XIX. Every Sheriff shall, between the First Day of September and the First Day of October in each Year, revise the Lists of the several Burghs within his County, and for this Purpose shall hold open Courts during the said Period at the Places prescribed in the said recited Act; and shall, on or before the First Day of September in each Year, deliver to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold his Courts for Revision of the Lists of such Burgh; and such Town Clerk shall forthwith cause public Notice thereof to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessors of such Burgh, and shall require them to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Sheriffs to hold Courts for revising Burgh Lists.

XX. The Town Clerk of every Burgh, and all Assessors of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff the List of Voters; that is to say, the List first made out by such Assessor, and the Lists of Claimants and of Persons objected to in the then current Year, relating to such Burgh, and also, from and after the Year One thousand eight hundred and fifty-six, One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and it shall be the Duty of the Person having the Custody of the Valuation Roll then in force, to have the same on the Table of the Registration Court; and the Town Clerk and Assessors respectively shall produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

TownClerks, &c. to attend Burgh Registration Courts, and produce Lists, Valuation Rolls, &c.

XXI. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such Burgh shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the last Day of July last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

Claimants omitted in Lists may be enrolled by Sheriff.

But Claims omitted may be objected to.

XXII. It shall be lawful for any Person whose Name shall be on any List of Voters for any Burgh to oppose the Claim of any Person so omitted to have his Name inserted in the List of Voters for the same Burgh; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs to revise and correct Lists.

XXIII. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any Insertion made by him.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXIV. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act, upon ex parte Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff, or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

XXV. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, and from any one Place to any other Place within the same Burgh, but so that no such adjourned Court shall be holden after the Thirtieth Day of September in any Year; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly; and at the holding of such respective Courts of Registration and Appeal no Person shall appear or be attended by Counsel.

Sheriffs may adjourn Registration Courts, but to conclude Business by 30th September annually.

XXVI. On the Revision of the Lists of Voters for any Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the First Day of October in such Year, deliver the same to the Town Clerk of such Burgh; and it shall be the Duty of such Town Clerk to retain the same in his Possession, and to produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Town Clerk for Production at Appeal Courts.

XXVII. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their Courts for disposing of such Appeals on some Day between the Thirtieth Day of September and Eighth Day of October in each Year, and shall finally determine all such Appeals on or before the Twenty-first Day of October thereafter; provided also, that, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

Persons dissatisfied may appeal, and all Appeals to be disposed of by 21st October annually.

XXVIII. All Town Clerks, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of

Town Clerks &c., to attend Appeal Courts.

of this Act shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Town Clerks to print Burgh Lists, and authenticate them.

XXIX. The Town Clerk of every Burgh shall forthwith, after the Thirtieth Day of September in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book, arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses, commencing with the lowest and ending with the highest Number; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Book shall be so arranged and printed, that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached, and ready for the Purposes of this Act, or for Sale as aforesaid; and the said Town Clerk shall forthwith after the Twenty-first Day of October in each Year make all such Corrections and Alterations on the said Book as may be necessary to give Effect to all Decisions of the Court of Appeal, and shall prefix to every Name in the said Register Book its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name; and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same, on or before the Thirty-first Day of October, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XXX. The said printed Book or Books so signed as aforesaid by the Town Clerk and delivered to the Sheriff shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same Burgh between the Thirty-first Day of October in the Year wherein such Register shall have been made and the First Day of November in the succeeding Year; and the Town Clerk of every Burgh shall keep printed Copies of such Register for such Burgh, and shall deliver Copies thereof or of any Part thereof to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table Number 2. of the Schedule B. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Ward or Polling District respectively; provided also, that the Register of Electors now existing shall be the Register in force for Elections of Members of Parliament until the First Day of November in the Year One thousand eight hundred and fifty-six; provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County on its being proved to him to exist; and such Correction shall be made by the Sheriff writing such Correction on such printed Book and signing his Name and the Date of such Correction against the same.

Register of Voters to be in force till new Register established.

XXXI. Every Register of Voters established or that shall be established for any Burgh shall continue to be the Register for such Burgh until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Burgh Registers under this Act to come in place of Registers established by 2 & 3 W.4. c. 65.

XXXII. The Register of Voters in any Burgh as completed by the Court of Appeal on or before the Thirtieth Day of October in each Year shall, for all the Purposes of the Act passed in the Third and Fourth Years of King William the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the first-recited Act.

Payments by Persons claiming to be registered, &c. abolished.

XXXIII. All Provisions of the first-recited Act as to any Payments thereby required to be made by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote, are hereby repealed.

How Distances to be measured.

XXXIV. The Distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the Principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

Agents and Mandatories may act for Party.

XXXV. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be primâ facie a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

No written Pleadings to be allowed in Registration Courts.

XXXVI. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

Penalty on Persons not attending Registration Courts when required.

XXXVII. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXVIII. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be cited, as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others for Neglect of Duty.

XXXIX. Any Assessor who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act; and any Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XL. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any Burgh, he shall pay over the Sum so received by him to the Assessor for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLI. The Town Clerk of every Burgh shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor for the Purposes of this Act; and in like Manner every Assessor shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

XLII. As soon as may be after the Completion of each annual Registration under this Act, the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such Burgh, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively, which they may deem proper; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Magistrates shall cause the Amount of such Excess to be apportioned upon the Parishes within such Burgh, according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Magistrates thereof, in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no Burgh shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

XLIII. At every future Election for a Member or Members to serve in Parliament for any Burgh, or District of Burghs, the Register of Voters so made as aforesaid shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election.

Penalty on Persons wilfully contravening this Act.

XLIV. Every Sheriff, Town Clerk, Clerk of the Crown, Postmaster, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the beforementioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

XLV. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Misnomer not to vitiate.

XLVI. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited Act; the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such Sheriff Clerk; the Words "Town Clerk" shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then to such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

Interpretation Clause.

17 & 18 Vict. c. 91.

XLVII. The said first-recited Act, and also all Laws, Statutes, and Usages now in force, are hereby repealed, so far as may be necessary to give full Effect to the Provisions of this Act, but no farther or otherwise.

Acts, &c. repealed.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Forms for Burghs.

No. 1.

The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of ,

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) **A. B.**

Assessor of the Burgh of .

No. 2.

Forms of Notice of Claim to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I claim to have my Name inserted in the List made by you of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) C. D.

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

No. 3.

Burgh of .

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (or Members) of Parliament for the Burgh of .

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) A. B.
Assessor of the Burgh of .

No. 4.

Form of Notice of Objection to be given to Assessors.

To the Assessor of the Burgh of .

I hereby give you Notice, that I object to the Name of being retained in the List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.

(Place of Abode.)

No. 5.

Form of Notice of Objection to be given to Parties objected to.

Burgh of .

To Mr. .

Take notice, that I object to your Name being retained on the List of Persons entitled to vote in the Election of Members (or a Member) for the Burgh of .

Dated this Day of , 185 .

(Signed) E. F.

(Place of Abode.)

No. 6.

List of Persons objected to, to be published by the Assessors.

Burgh of

The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (or Members) for the Burgh of :—

First Polling District.

Second Ward.

Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate.

(Signed) A. B.

Assessor of the Burgh of

SCHE-

SCHEDULE B.

No. 1.

Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.

For any List, or Copy of a List, containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 100 Names - - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - - - -	2	6

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register, where a Payment is required and authorized by this Act.

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 1000 Names - - - -	1	0
Exceeding 1000 and not exceeding 3000 - -	2	6
Exceeding 3000 and not exceeding 6000 - -	5	0
Exceeding 6000 and not exceeding 9000 - -	7	6
Exceeding 9000 - - - - - -	10	0

Registration of Voters (Scotland).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND IN COMMITTEE]

To amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland.

*(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Viscount Duncan.)*

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1856.

[Bill 184.]

Under 3 *oz.*

3 *July* 1856. 19 & 20 Vict.

A

BILL

TO

Alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue.

Preamble.

WHEREAS the several Charges and Payments described in the Schedules (A.) and (B.) to this Act are charged by various Acts of Parliament or otherwise upon certain Parts of the Public Revenue mentioned in such respective Schedules: And whereas it is expedient, in order to bring the gross Income and Expenditure of the United Kingdom under the more immediate View and Control of Parliament, that such Charges and Payments should be otherwise provided for, as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Charges in Schedule (A.) to be payable out of the Consolidated Fund; and Charges in Schedule (B.) to be voted.

I. From and after the Day of One thousand eight *hundred and* the several Charges and Payments described in the Schedules (A.) and (B.) to this Act, and which, under the Acts and Authorities in the same Schedules respectively referred to, are charged on or made payable out of the several Parts of the Public Revenue in such Schedules mentioned, or on or out of the Monies in the Hands of the Commissioners or Collectors or other Receivers of such Revenues, or otherwise now charged on or payable out of all or any Parts of such Revenue respectively, shall cease to be so charged and payable; and such of the said Charges and Payments as are described in the said Schedule (A.) shall be charged on and payable out of *the Consolidated Fund of the United Kingdom;* and such of the said Charges and Payments as are described in the said Schedule (B.) shall be paid out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Annuities and Salaries charged on the Revenues of Customs, Excise, and Post Office, to be transferred to the Consolidated Fund.

	£
An Annuity granted to the Duke of Marlborough under the Provisions of the Act 5th of Anne, Cap. 4., charged on the Post Office Revenue, the net annual Amount payable in respect of which is - - - - - - - - - -	4,000
The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is - - - - - - -	1,200
An Annuity payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is - - - - - - -	3,384
The Three Fourth Parts of an Annuity granted by King George the First to Maynhard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is -	2,160

Such of the Salaries of Sheriff Clerks and others, made payable out of the gross Produce of Customs and Excise, under the Act of the Seventh Year of Queen Anne, Chapter Eleven, the Act of the Tenth Year of Queen Anne, Chapter Twenty-six, and subsequent Acts, as by the Proviso in Section One of the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-four, continue to be payable out of such gross Produce, so long as the present Holders of the Offices continue to hold the same; such Salaries to be charged *on the Consolidated Fund* so long only as they would have been payable out of such gross Produce if this Act had not been passed.

SCHEDULE (B.)

Charges and Payments charged under the Provisions of various Acts of Parliament upon the Revenues of Customs, Excise, Taxes, and Post Office, to be paid out of Aids or Supplies to be provided for the Purpose.

Superannuations, Pensions, Compensations, and Annuities granted in respect of Services rendered by Persons formerly employed in the several Revenue Departments, under the Acts—

47 Geo. 3. Sess. 2. Cap. 66.
50 Geo. 3. Cap. 117.
3 Geo. 4. Cap. 113.
4 & 5 W. 4. Cap. 24.
5 & 6 W. 4. Cap. 72.

Expenses payable out of the Consolidated Customs under the Act 17 & 18 Victoria, Cap. 104.

Revenue (Transfer of Charges).

A

BILL

To alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue.

(Prepared and brought in by
Mr. Wilson and The Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1856.

[Bill 217.]

Under 1*oz.*

Saint Sepulchre's Manor (Dublin).

ARRANGEMENT OF CLAUSES.

Short Title; 1.

Interpretation of Terms; 2.

Commencement of Act; 3.

Jurisdiction vested in Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty; 4.

Chairman of Kilmainham and Recorder of Dublin and Assistant Barrister of Kildare or Wicklow may renew Decrees and Dismisses made and pronounced by Seneschal before Commencement of Act; 5.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act; 6.

Power to sell Court House, &c.; 7.

Application of Proceeds of Sale. Compensation to Officers of Manor Court; 8.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation; 9.

The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre; 10.

The Corporation not to demand any Stallages, &c. until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849; 11.

Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.; 12.

Saving of Rights of Archbishop of Dublin; 13.

21 *April* 1856. 19 Vict.

(Ireland.)

A

BILL

TO

Abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor.

Preamble.

WHEREAS it would conduce to the better Administration of Justice if the Jurisdiction of the Court of and in the Liberty and Manor of Saint Sepulchre in and near Dublin in Criminal and Civil Proceedings was abolished, and the Most Reverend Richard Lord Archbishop of Dublin, the Lord of the said Liberty and Manor, and his several Officers, have freely consented to such Abolition: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Manor Court of St. Sepulchre's Abolition Act, 1856."

Interpretation of certain Terms in this Act.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, "the Manor of Saint Sepulchre" or "the said Manor" shall mean the Liberty and Manor of Saint Sepulchre; "the Archbishop of Dublin" or "the said Archbishop" shall mean the Most Reverend Richard Lord Archbishop of Dublin and his Successors; "the Court" shall mean the Court of the said Liberties and Manor of Saint Sepulchre; "the Officers of the Manor of Saint Sepulchre" or "the said Officers" shall mean and include the Seneschal, Coroner, Marshals, Registrars, Portreeves, and Bailiffs of or belonging to the Archbishop of Dublin and to the Liberty and Manor of Saint Sepulchre, or any of them; and "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland.

Commencement of Act.

III. This Act shall commence and come into operation on the *First Day of September One thousand eight hundred and fifty-six.*

Jurisdiction of Court and Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.

IV. Upon and after the *Commencement of this Act*, the Jurisdiction and Authority vested in the Court of the Liberties and Manor of Saint Sepulchre, and in the Seneschal or Judge and other Officers of the said Court, in relation to the Administration of Justice in Actions, Suits, or other Civil Judicial Proceedings, or in the Administration of Criminal Law, or the Execution of Judgments, Writs, and Processes therein or connected therewith, shall cease; and all such Jurisdiction or Authority within the Limits of the said Liberties and Manor shall be vested in and exercised by such of the Courts and Officers of Her Majesty respectively as such Jurisdiction or Authority would now by Law have belonged to in case the said Liberties and Manor Court had not been constituted or erected; and the several Towns, Places, and Districts within the said Liberties and Manor, and the Inhabitants and Residents therein, shall be subject to the Jurisdiction and Authority of the said Courts of Her Majesty respectively, in the same Manner as such Towns, Places, and Districts, and the Inhabitants and Residents therein, would now have been in case the said Liberties and Manor Court had not been constituted or erected.

Chairman of Kilmainham and Recorder of Dublin and Assistant Barrister of Kildare or Wicklow may renew Decrees and Dismisses made and pronounced by Seneschal before

V. It shall be lawful for the Chairman of Kilmainham and the Recorder of Dublin and the Assistant Barrister of the Counties of Kildare and Wicklow respectively within the Limits of their respective Jurisdictions to renew all Decrees and Dismisses made and pronounced by the said Court, or its Seneschal or Judge, before the *Commencement of this Act*, without regard to the Amount thereby decreed or adjudged to be paid; and every such renewed Decree and Dismiss shall be deemed a Decree or Dismiss of the said Chairman, Recorder, or Assistant Barrister, as the Case may be, and may be executed as such, notwithstanding that the Amount thereby decreed to be paid shall exceed the Amount to which the Jurisdiction of such Chairman, Recorder, or Assistant Barrister shall be limited.

Commencement of Act.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.

VI. Any Person who at the *Commencement of this Act* may be in the Custody of the Marshal of Saint Sepulchre, under or by virtue of any Jurisdiction or Authority hereby abolished, shall as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the said Marshal to the Common Gaol of the County in which he may have been arrested under the Writ or Warrant or other Process for his Arrest and Imprisonment, or if arrested or committed within the City of Dublin then to the Prison of the Four Courts Marshalsea, and shall be by such Marshal delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, together with the Decree, Writ, Warrant, or other Process by virtue of which such Person was arrested or imprisoned, and all other Decrees, Writs, Warrants, and other Processes lodged with such Marshal, by virtue of which such Person is or ought to be detained in Custody of such Marshal; and all Persons who may be in the lawful Custody of the said Marshal at the *Commencement of this Act* shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed to be in the proper legal Custody, unless and until they be respectively sooner discharged in due Course of Law; and all Persons so removed, after being delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, as the Case may be, shall be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs, Processes, Decrees, or Warrants as aforesaid had been originally legally directed to and executed by such Sheriff or other Person as aforesaid.

Power to sell Court House and Marshalsea.

VII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, to make sale and absolutely dispose of, either altogether or in Parcels, the Court House and Marshalsea of Saint Sepulchre situate at Camden Row in the City of Dublin, with the Precincts and Appurtenances thereunto belonging, and to convey the same to the Purchaser or Purchasers thereof, and also to sell the Fixtures and Furniture thereof, together with the Standard Weights and Measures of the said Archbishop; and every Conveyance made by the said Archbishop, with the Consent of the Lord Lieutenant, and purporting to be executed in virtue of the Provisions of this Act, shall be effectual to pass whatever Estate shall purport to be thereby conveyed, discharged from all Claims of Right or Title or any Charge and Incumbrance whatsoever.

Application of Proceeds of Sale. Compensation to Officers.

VIII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, out of the Proceeds of such Sales, to make such Compensation to the present Seneschal, Registrars, Marshal, and other Officers of said Court as to the said Archbishop shall seem proper, having regard to the Tenure of Office and Length of Service of such Officers; and if there shall remain any Surplus after Payment of the Costs and Expenses of such Sales and of such Compensations as aforesaid, the same may be applied by the said Archbishop in discharge of such other Expenses, Charges, and Claims (if any) as shall be incidental to and consequent on the Abolition of Jurisdiction and Transfer of Markets pursuant to this Act, as to the Archbishop of Dublin, with the Consent of the Lord Lieutenant, shall seem proper; and in the last place in part Liquidation of the Charge now existing on the said See, and repayable to the present Archbishop by his Successor, or in such other Manner for the Benefit of the said See as the said Archbishop shall, with the Consent of the Lord Lieutenant, direct and appoint.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.

IX. And whereas it is expedient that Provision be made for the future Regulation of the Markets of Saint Sepulchre usually held in Kevin Street within the Limits of the Borough of Dublin: Be it therefore enacted, That from and after the *Commencement of this Act* the said Markets shall vest in and belong to the Lord Mayor, Aldermen, and Burgesses of Dublin, and all Powers and Authorities theretofore exercised by any Weighmaster or other Person in respect of the said Markets shall cease and determine.

The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

X. The Lord Mayor of the City of Dublin for the Time being shall, from and after the *Commencement of this Act*, be Clerk of the Markets of Saint Sepulchre within the Limits of the Borough of Dublin, and shall have the future Appointment of the Deputy Clerk of the Markets therein; and the said Lord Mayor, Aldermen, and Burgesses of the said Borough shall and may respectively use and exercise all such Powers and Authorities with respect to the said Markets, or the Improvement or Extension of the same, within the said Limits, as are vested in him or them with respect to the other Markets within the said Borough, or with respect to providing Markets therein, under the Provisions of "The Dublin Improvement Act, 1849."

The Corporation not to demand any Stallages, &c. in the Markets of Saint Sepulchre

XI. It shall not be lawful for the said Lord Mayor, Aldermen, and Burgesses to demand from any Person any Stallages, Rents, or Fees for the standing of any Beast or Animal, or any Cart of Hay or Straw, or any other marketable Commodity exposed for Sale in the said Markets of Saint Sepulchre within the said Limits, save for such

Stand, Stall, Shed, Pen, or other Convenience as they shall have erected therein, nor until they shall have provided suitable Approaches for all Persons resorting to the said Markets; and the Stallages, Rents, or Fees to be demanded for the Use of any such Stall, Shed, Pen, or other Convenience so erected shall not exceed the several Stallages, Rents, and Fees authorized to be demanded by the said Lord Mayor, Aldermen, and Burgesses, and specified in Schedule (D.) in "The Dublin Improvement Act, 1849."

until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849.

XII. Nothing in this Act contained shall prejudice or affect the Right of Richard now Lord Archbishop of Dublin, or his Executors or Administrators, to recover from his Successors in the said See of Dublin any Charge which he or they may have against such Successor for or in respect of the Palace or See House, and the said Court House and Premises of Saint Sepulchre, or the said Markets within the Borough of Dublin, or other Improvements in the said See.

Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.

XIII. Nothing herein contained shall be deemed or taken to prejudice or affect the Royalties, or the Manorial or other Rights, Privileges, and Jurisdictions and Franchises of the said Archbishop of Dublin and Bishop of Glandelagh, and his Successors, or his or their respective Officers, in or throughout the Estates and Manors and Liberties of the said See, and over the Tenants and Sub-Tenants thereof, or the Right or Power to enforce the same, save as hereinbefore otherwise respectively provided and declared.

Saving of Rights of Archbishop of Dublin as to the Royalties and Estates, &c. in the See.

Saint Sepulchre's Manor (Dublin).

A

B I L L

To abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor.

(Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.)

Ordered, by the House of Commons, *to be Printed,*
21 *April* 1856.

[Bill 104.]

Under 1 *oz.*

Saint Sepulchre's Manor (Dublin).

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation of Terms; 2.

Commencement of Act; 3.

Jurisdiction vested in Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty; 4.

Chairman of Kilmainham, Assistant Barrister of the County of Dublin, Recorder of Dublin, and Assistant Barrister of Kildare or Wicklow may renew Decrees &c., made by Seneschal before Commencement of Act; 5.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act; 6.

Power to sell Court House, &c.; 7.

Application of Proceeds of Sale. Compensation to Officers of Manor Court; 8.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation; 9.

Manor, &c. lying within the Municipal Boundaries to be subject to the Acts relating to the Improvement of the Borough of Dublin; 10.

The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre; 11.

The Corporation not to demand any Stallages, &c. until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849; 12.

Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same; 13.

Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.; 14.

Saving of Rights of Archbishop of Dublin; 15.

20 *June* 1856. 19 & 20 Vict.

(Ireland.)

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor.

[Note.—*The Clauses marked* A. *and* B. *were added by the Select Committee.*]

Preamble.

WHEREAS it would conduce to the better Administration of Justice if the Jurisdiction of the Court of and in the Liberty and Manor of Saint Sepulchre in and near Dublin in Criminal and Civil Proceedings was abolished, and the Most Reverend Richard Lord Archbishop of Dublin, the Lord of the said Liberty and Manor, and his several Officers, have freely consented to such Abolition: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Manor Court of St. Sepulchre Abolition Act, 1856."

Interpretation of certain Terms in this Act.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, "the Manor of Saint Sepulchre" or "the said Manor" shall mean the Liberty and Manor of Saint Sepulchre; "the Archbishop of Dublin" or "the said Archbishop" shall mean the Most Reverend Richard Lord Archbishop of Dublin and his Successors; "the Court" shall mean the Court of the said Liberties and Manor of Saint Sepulchre; "the Officers of the Manor of Saint Sepulchre" or "the said Officers" shall mean and include the Seneschal, Coroner, Marshals, Registrars, Portreeves, and Bailiffs of or belonging to the Archbishop of Dublin and to the Liberty and Manor of Saint Sepulchre, or any of them; and "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland.

Commencement of Act.

III. This Act shall commence and come into operation on the First Day of September One thousand eight hundred and fifty-six.

Jurisdiction of Court and Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.

IV. Upon and after the Commencement of this Act, the Jurisdiction and Authority vested in the Court of the Liberties and Manor of Saint Sepulchre, and in the Seneschal or Judge and other Officers of the said Court, in relation to the Administration of Justice in Actions, Suits, or other Civil Judicial Proceedings, or in the Administration of Criminal Law, or the Execution of Judgments, Writs, and Processes therein or connected therewith, shall cease; and all such Jurisdiction or Authority within the Limits of the said Liberties and Manor shall be vested in and exercised by such of the Courts and Officers of Her Majesty respectively as such Jurisdiction or Authority would now by Law have belonged to in case the said Liberties and Manor Court had not been constituted or erected; and the several Towns, Places, and Districts within the said Liberties and Manor, and the Inhabitants and Residents therein, shall be subject to the Jurisdiction and Authority of the said Courts of Her Majesty respectively, in the same Manner as such Towns, Places, and Districts, and the Inhabitants and Residents therein, would now have been in case the said Liberties and Manor Court had not been constituted or erected.

Chairman of Kilmainham, Assistant Barrister of the County of Dublin, Recorder of Dublin, and Assistant Barrister of Kildare or Wicklow may renew Decrees, &c. made by Seneschal

V. It shall be lawful for the Chairman of Kilmainham, or Assistant Barrister of the County of Dublin, and the Recorder of Dublin, and the Assistant Barrister of the Counties of Kildare and Wicklow respectively, within the Limits of their respective Jurisdictions, to renew all Decrees and Dismisses made and pronounced by the said Court, or its Seneschal or Judge, before the Commencement of this Act, without regard to the Amount thereby decreed or adjudged to be paid; and every such renewed Decree and Dismiss shall be deemed a Decree or Dismiss of the said Chairman, Recorder, or Assistant Barrister, as the Case may be, and may be executed as such, notwithstanding that the Amount thereby decreed to be paid shall exceed the Amount to which the Jurisdiction of such Chairman, Recorder, or Assistant Barrister shall be limited.

before Commencement of Act.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.

VI. Any Person who at the Commencement of this Act may be in the Custody of the Marshal of Saint Sepulchre, under or by virtue of any Jurisdiction or Authority hereby abolished, shall as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the said Marshal to the Common Gaol of the County in which he may have been arrested under the Writ or Warrant or other Process for his Arrest and Imprisonment, or if arrested or committed within the City of Dublin then to the Prison of the Four Courts Marshalsea, and shall be by such Marshal delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, together with the Decree, Writ, Warrant, or other Process by virtue of which such Person was arrested or imprisoned, and all other Decrees, Writs, Warrants, and other Processes lodged with such Marshal, by virtue of which such Person is or ought to be detained in Custody of such Marshal; and all Persons who may be in the lawful Custody of the said Marshal at the Commencement of this Act shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed to be in the proper legal Custody, unless and until they be respectively sooner discharged in due Course of Law; and all Persons so removed, after being delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, as the Case may be, shall be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs, Processes, Decrees, or Warrants as aforesaid had been originally legally directed to and executed by such Sheriff or other Person as aforesaid.

Power to sell Court House and Marshalsea.

VII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, to make sale and absolutely dispose of, either altogether or in Parcels, the Court House and Marshalsea of Saint Sepulchre situate at Camden Row in the City of Dublin, with the Precincts and Appurtenances thereunto belonging, and to convey the same to the Purchaser or Purchasers thereof, and also to sell the Fixtures and Furniture thereof, together with the Standard Weights and Measures of the said Archbishop; and every Conveyance made by the said Archbishop, with the Consent of the Lord Lieutenant, and purporting to be executed in virtue of the Provisions of this Act, shall be effectual to pass whatever Estate shall purport to be thereby conveyed, discharged from all Claims of Right or Title or any Charge and Incumbrance whatsoever.

Application of Proceeds of Sale. Compensation to Officers.

VIII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, out of the Proceeds of such Sales, to make such Compensation to the present Seneschal, Registrars, and Marshal of said Court as to the said Archbishop shall seem proper, having regard to the Tenure of Office and Length of Service of such Officers; and if there shall remain any Surplus after Payment of the Costs and Expenses of such Sales and of such Compensations as aforesaid, the same may be applied by the said Archbishop in discharge of such other Expenses, Charges, and Claims (if any) as shall be incidental to and consequent on the passing of this Act and the Abolition of the Jurisdiction and Transfer of Markets pursuant to this Act, as to the Archbishop of Dublin, with the Consent of the Lord Lieutenant, shall seem proper; and in the last place in part Liquidation of the Charge now existing on the said See, and repayable to the present Archbishop by his Successor, or in such other Manner for the Benefit of the said See as the said Archbishop shall, with the Consent of the Lord Lieutenant, direct and appoint.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.

IX. And whereas it is expedient that Provision be made for the future Regulation of the Markets of Saint Sepulchre usually held in Kevin Street within the Limits of the Borough of Dublin: Be it therefore enacted, That from and after the Commencement of this Act, the said Markets shall vest in and belong to the Lord Mayor, Aldermen, and Burgesses of Dublin, and all Powers and Authorities theretofore exercised by any Weighmaster or other Person in respect of the said Markets shall cease and determine; and so much of an Act of the Parliament of Ireland passed in the Twenty-seventh Year of the Reign of King George the Third, Chapter Forty-six, as relates to the Seneschal and Liberties and Market Juries of Saint Sepulchre shall be repealed.

Clause A.

Manor, &c. lying within the Municipal Boundaries to be subject to the Acts relating to the Improvement of the Borough of Dublin.

X. All Acts now in force for the Regulation and Improvement of the Borough of Dublin shall be construed, deemed, and taken to have full Force and Effect within such Portions of the said Liberties and Manor of Saint Sepulchre as lie within the Municipal Boundaries of the said Borough.

The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

XI. The Lord Mayor of the City of Dublin for the Time being shall, from and after the Commencement of this Act, be Clerk of the Markets of Saint Sepulchre within the Limits of the Borough of Dublin, and shall have the future Appointment of the Deputy Clerk of the Markets therein; and the said Lord Mayor, Aldermen, and Burgesses of the said Borough shall and may respectively use and exercise all such Powers and Authorities with respect to the said Markets, or the Improvement or Extension of the same, within the said Limits, as are vested in him or them with respect to the other Markets within the said Borough, or with respect to providing Markets therein, under the Provisions of "The Dublin Improvement Act, 1849."

The Corporation not to demand any Stallages, &c. in the Markets of Saint Sepulchre until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849.

XII. It shall not be lawful for the said Lord Mayor, Aldermen, and Burgesses to demand from any Person any Stallages, Rents, or Fees for the standing of any Beast or Animal, or any Cart of Hay or Straw, or any other marketable Commodity exposed for Sale in the said Markets of Saint Sepulchre within the said Limits, save for such Stand, Stall, Shed, Pen, or other Convenience as they shall have erected therein; and the Stallages, Rents, or Fees to be demanded for the Use of any such Stall, Shed, Pen, or other Convenience so erected shall not exceed the several Stallages, Rents, and Fees authorized to be demanded by the said Lord Mayor, Aldermen, and Burgesses, and specified in Schedule (D.) in "The Dublin Improvement Act, 1849."

CLAUSE B. Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same.

XIII. Nothing herein contained shall be construed to impose upon the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin, save with their Consent in Town Council assembled, any Obligation to maintain any of the Markets, public Scales, Stalls, or Tenements heretofore belonging to or held by the Lord Archbishop of Dublin, or any Liability to pay any Rents, Salaries, Fees, Perquisites, Compensations, Pensions, or Sums of Money to any Person or Persons whomsoever heretofore having or claiming any Right, Title, or Interest in connection with any Market Court or other Jurisdiction or Right heretofore vested in or belonging to the said Lord Archbishop of Dublin.

Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.

XIV. Nothing in this Act contained shall prejudice or affect the Right of Richard now Lord Archbishop of Dublin, or his Executors or Administrators, to recover from his Successors in the said See of Dublin any Charge which he or they may have against such Successor for or in respect of the Palace or See House, and the said Court House and Premises of Saint Sepulchre, or the said Markets within the Borough of Dublin, or other Improvements in the said See.

Saving of Rights of Archbishop of Dublin as to the Royalties and Estates, &c. in the See.

XV. Nothing herein contained shall be deemed or taken to prejudice or affect the Royalties, or the Manorial or other Rights, Privileges, and Jurisdictions and Franchises of the said Archbishop of Dublin and Bishop of Glandelagh, and his Successors, or his or their respective Officers, in or throughout the Estates and Manors and Liberties of the said See, and over the Tenants and Sub-Tenants thereof, or the Right or Power to enforce the same, save as hereinbefore otherwise respectively provided and declared.

Saint Sepulchre's Manor (Dublin).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor.

(Prepared and brought in by
Mr. Horsman and Mr. Attorney General for Ireland.)

Ordered, by the House of Commons, *to be Printed,*
20 *June* 1856.

[Bill 189.]

Under 1 *oz.*

19 *June* 1856. 19 VICT.

A

BILL

TO

Carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia.

Preamble.

WHEREAS, by a Convention concluded on the Twenty-sixth Day of January One thousand eight hundred and fifty-five between Her Majesty and His Majesty the King of Sardinia, and afterwards duly ratified, Her Majesty undertook to recommend to Her Parliament to enable Her to advance, by way of Loan to the King of Sardinia, the Sum of One million Pounds Sterling, by Two Instalments, and further to recommend to Her Parliament to enable Her, if the War should not have been brought to a Close at the Expiration of Twelve Months after Payment of the First Instalment of the said Loan, to advance to the King of Sardinia, in the same Proportions, a like Sum of One million Pounds Sterling: And whereas by an Act of the last Session of Parliament, Chapter Seventeen, Her Majesty was enabled to carry into effect the said Convention: And whereas the Sum of One million Pounds Sterling was in consequence advanced to the King of Sardinia in Two Instalments of Five hundred thousand Pounds each, the First Payment of which was completed on the Third Day of May One thousand eight hundred and fifty-five, and the Second on the Third Day of November One thousand

18 & 19 Vict. c. 17.

thousand eight hundred and fifty-five: And whereas if the War had continued the conditional Engagement of Her Majesty to advance to the King of Sardinia a like Sum of One million Pounds Sterling would have come into operation on the Third Day of May One thousand eight hundred and fifty-six, but the War was brought to a Close Six Days previously, namely, on the Twenty-seventh Day of April One thousand eight hundred and fifty-six, by the Exchange on that Day of the Ratifications of a Treaty of Peace: And whereas His Sardinian Majesty had already incurred those Expenses for the Prosecution of the War during the current Year which the said like Sum of One million Pounds was intended to enable him to provide for: And whereas a Convention was on the Third Day of June One thousand eight hundred and fifty-six concluded between Her Majesty and the King of Sardinia (and has since been ratified), by which it has been agreed as follows:

> ARTICLE I.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland undertakes to recommend to Her Parliament to enable Her to advance, by way of Loan, to His Majesty the King of Sardinia the further Sum of One million Pounds Sterling, contemplated by the Convention of the Twenty-sixth Day of January One thousand eight hundred and fifty-five, in like Manner, Instalments, and Proportions, and subject in all respects to the same Conditions as if the War had not been brought to a Close at the Expiration of Twelve Months from the Payment of the First Instalment of the First Sum of One million Pounds Sterling:
>
> ARTICLE II.—His Majesty the King of Sardinia engages to accept the Advance mentioned in the preceding Article on the same Conditions in all respects, especially as to the Calculation and Payment of the Interest, as if such Advance had been made under and by virtue of the said Convention concluded and signed at Turin on the Twenty-sixth Day of January One thousand eight hundred and fifty-five:

And whereas in pursuance of Her Majesty's gracious Recommendations in this Behalf it is expedient that Her Majesty should be enabled to carry into effect the last-mentioned Convention: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Treasury to direct the Sums required for

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to direct and cause to be issued to Her Majesty's Paymaster General from Time to Time out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, such Sums of Money as shall be required for the Advance to His Majesty the King of Sardinia of the further Sum of *One million Pounds Sterling*, in pursuance of the said Convention of the Third Day of June One thousand eight hundred and fifty-six, by the Instalments and at the Times provided or referred to by the said Convention, conformably to Her Majesty's Engagements in this Behalf; and all the Provisions of the said Act of the last Session of Parliament shall be in force and be applicable in relation to the said further Loan of *One million Pounds Sterling*, and the Interest and Sinking Fund in respect of the same, and the Accounts thereof respectively, in the same Manner as if the War had not been brought to a Close at the Expiration of the Twelve Months before mentioned, and as if the Sums hereby authorized to be issued had been authorized to be issued under the said Act.

the further Loan to Sardinia to be issued out of the Consolidated Fund.

Sardinian Loan.

A

B I L L

To carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia.

(Prepared and brought in by
Mr. FitzRoy, the Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1856.

[Bill 188.]

Under 1 *oz.*

1 *May* 1856. 19 VICT.

A

BILL

TO

Amend the Act 6 & 7 Vict. c. 36., to exempt from County, Borough, Parochial, and other Rates, Land and Buildings occupied by Scientific or Literary Societies.

Preamble.

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty it was enacted, from and after the First Day of October One thousand eight hundred and forty-three, no Person or Persons should be assessed or rated or liable to be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Lands, Houses, or Buildings belonging to any Society instituted for Purposes of Science, Literature, or Fine Arts exclusively, either as Tenant or Owner, and occupied by it for the Transaction of its Business and for carrying into effect its Purposes; provided that such Society should be supported wholly or in part by annual voluntary Contributions, and should not, and by its Laws might not, make any Dividend, Gift, Division, or Bonus in Money unto or between any of its Members; and provided also, that such Society should obtain the Certificate of the Barrister-at-Law or Lord Advocate as therein-after mentioned: And whereas it is expedient to amend the said Statute: Be it therefore enacted by the Queen's most Excellent

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Provisions of 6 & 7 Vict. c. 36. repealed.

I. From and after *the First Day of January One thousand eight hundred and fifty-seven*, the aforesaid Provision, as also the whole of Section Six of the said Statute, shall be repealed.

Scientific Societies exempted from Rates, on obtaining the Certificates hereinafter mentioned.

II. From and after the *First Day of January One thousand eight hundred and fifty-seven*, no Person or Persons shall be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Lands, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any Society instituted for Purposes of Science, Literature, or the Fine Arts, either as Tenant or as Owner, and occupied by it for the Transaction of its Business and for carrying into effect its Purposes; provided that such Society shall be supported wholly or in part by annual voluntary Contributions, and shall not, and by its Laws may not, make any Dividend, Gift, Donation, or Bonus in Money unto or between any of its Members; and provided also, that such Society shall obtain the Certificate of the Barrister-at-Law or Lord Advocate, as mentioned in the said Statute.

Certificates to be final, so long as the Rules remain unaltered.

III. Whenever any such Society shall have obtained the Certificate of the Barrister-at-Law or Lord Advocate, and the Laws, Rules, and Regulations of the Society shall have been allowed and confirmed by the Recorder of any Borough Sessions, or the Justices at any General Quarter Sessions, or if such Certificate of the Barrister-at-Law or Lord Advocate shall be refused, but such Recorder or Justices, on such Laws, Rules, and Regulations being submitted to them respectively, shall order the same to be filed, notwithstanding such Refusal, then it shall not be lawful thereafter to assess or rate any Person or Persons, nor shall any Person or Persons be liable to be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Land, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any such Society as aforesaid, and any such Assessment or Rate, if made, shall be wholly void, and no Person or Persons assessed to any Rate from which any Society shall be exempted by this Act shall have any Appeal or Right to appeal against such Certificate, or against such Allowance or Confirmation or filing of the Laws, Rules, and Regulations as aforesaid: Provided nevertheless, that if at any Time the Laws, Rules, and Regulations of any such Society shall be altered or varied, or if any such Society shall be conducted for Purposes different from those set forth in the Laws, Rules, and Regulations, after the same shall have been allowed and confirmed or filed, the Exemption from Rates and Cesses herein contained shall cease; but nothing herein contained shall prevent any such Society from applying for a fresh Certificate, or from applying to have its Laws, Rules, and Regulations again allowed and confirmed or filed, as often as Need be.

Scientific and Literary Societies.

A

B I L L

To amend the Act 6 & 7 Vict. c. 36., to exempt from County, Borough, Parochial, and other Rates, Land and Buildings occupied by Scientific or Literary Societies.

(*Prepared and brought in by*
Mr. Hutt, Lord Stanley, and Mr. Ewart.)

Ordered, by The House of Commons, *to be Printed,*
1 *May* 1856.

[Bill 118.]

Under 1 *oz.*

4 *June* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Act 6 & 7 Vict. c. 36., to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.

[Note.—*The Clause marked* A. *was added in Committee.*]

Preamble.

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty it was enacted, from and after the First Day of October One thousand eight hundred and forty-three, no Person or Persons should be assessed or rated or liable to be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Lands, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any Society instituted for Purposes of Science, Literature, or the Fine Arts exclusively, either as Tenant or as Owner, and occupied by it for the Transaction of its Business and for carrying into effect its Purposes; provided that such Society should be supported wholly or in part by annual voluntary Contributions, and should not, and by its Laws might not, make any Dividend, Gift, Division, or Bonus in Money unto or between any of its Members; and provided also, that such Society should obtain the Certificate of the Barrister-at-Law or Lord Advocate as therein-after mentioned: And whereas it is expedient to amend the said Statute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Provisions of 6 & 7 Vict. c. 36. repealed.

I. From and after the First Day of January One thousand eight hundred and fifty-seven, so much of the said Act as is herein-before recited, as also the whole of Section Six of the said Act, shall be repealed.

Scientific Societies exempted from Rates, on obtaining the Certificates herein-after mentioned.

II. From and after the First Day of January One thousand eight hundred and fifty-seven, no Person or Persons shall be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Lands, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any Society instituted for Purposes of Science, Literature, Education, or the Fine Arts, either as Tenant or as Owner, and occupied by it for the Transaction of its Business and for carrying into effect its Purposes; provided that such Society shall be supported wholly or in part by annual voluntary Contributions, and shall not, and by its Laws may not, make any Dividend, Gift, Donation, or Bonus in Money unto or between any of its Members; and provided also, that such Society shall obtain the Certificate of the Barrister-at-Law as provided by the recited Act, or the Certificate of the Registrar of Friendly Societies in Scotland as herein-after provided.

CLAUSE A.
Certificates for certifying the Rules of Friendly Societies in Scotland to be issued by the Registrar of Friendly Societies in Scotland.

III. The Certificate directed by the recited Act to be obtained from the Lord Advocate, or any Depute appointed by him to certify the Rules of Friendly Societies in Scotland, shall, from and after the First Day of January One thousand eight hundred and fifty-seven, be applied for to and issued by the Registrar of Friendly Societies in Scotland; and all the Powers, Duties, and Provisions by the recited Act made applicable to the Lord Advocate or such Depute shall be transferred to and be applicable to such Registrar; and all the Powers, Duties, and Provisions by the recited Act granted, imposed upon, or made applicable to the Clerk of the Peace for the Borough or County shall, in Scotland, be applicable to the Sheriff Clerk of the County where the Lands, Houses, or Buildings of the Society are situate; and all the Powers, Duties, and Provisions by the recited Act granted, imposed upon, or made applicable to the Recorder or Justices for the Borough or County, shall, in Scotland, be applicable to the Sheriff of the County where such Lands, Houses, or Buildings are situate, in the same Manner and to the same Effect as the same are by the recited Act made applicable to such Clerk of the Peace, Recorder, or Justices respectively.

IV. Whenever

Certificates to be final, so long as the Rules remain unaltered.

IV. Whenever any such Society shall have obtained the Certificate of the Barrister-at-Law or such Registrar, and the Laws, Rules, and Regulations of the Society shall have been allowed and confirmed by the Recorder of any Borough Sessions, or the Justices at any General Quarter Sessions, or the Sheriff, or if such Certificate of the Barrister-at-Law or Registrar shall be refused, but such Recorder or Justices or Sheriff, on such Laws, Rules, and Regulations being submitted to them respectively, shall order the same to be filed, notwithstanding such Refusal, then it shall not be lawful thereafter to assess or rate any Person or Persons, nor shall any Person or Persons be liable to be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses, in respect of any Land, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any such Society, and any such Assessment or Rate, if made, shall be wholly void, and no Person or Persons assessed to any Rate from which any Society shall be exempted by this Act shall have any Appeal or Right to appeal against such Certificate, or against such Allowance or Confirmation or filing of the Laws, Rules, and Regulations as aforesaid: Provided nevertheless, that if at any Time the Laws, Rules, and Regulations of any such Society shall be altered or varied, or if any such Society shall be conducted for Purposes different from those set forth in the Laws, Rules, and Regulations, after the same shall have been allowed and confirmed or filed, the Exemption from Rates and Cesses herein contained shall cease; but nothing herein contained shall prevent any such Society from applying for a fresh Certificate, or from applying to have its Laws, Rules, and Regulations again allowed and confirmed or filed, as often as Need be.

Scientific and Literary Societies.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Act 6 & 7 Vict. c. 36., to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.

(*Prepared and brought in by*
Mr. Hutt, Lord Stanley, and Mr. Ewart.)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1856.

[Bill 159.]

Under 1 *oz.*

Scotch and Irish Pauper Removals Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Repeal of 8 & 9 Vict. c. 117. and 10 & 11 Vict. c. 33.;—Sect. 1.
Persons not born in England, how removed; 2.
Who to apply for Warrant; 3.
How Application to be made; 4.
Whither Removal to be made; 5.
Notice of Removal to be sent; 6.
Removal from Union or Parish within the Metropolitan Police District; 7.
Depositions to be furnished; 8.
How Pauper to be removed; 9.
Poor Law Board to make Regulations; 10.
Power of Appeal; 11.
Notice thereof; 12.
As to the Sufficiency of Statement of Grounds of Removal or Appeal. Power to amend Statement of Grounds of Removal or Appeal; 13.
Party making frivolous or vexatious Statement of Grounds of Removal or Appeal liable to pay Costs; 14.
Power for Court to amend Order of Removal on account of Omission or Mistake. Proviso; 15.
Decisions of Courts upon Hearing of Appeals final; 16.
Abandonment of Orders of Removal. As to Payment of Costs on Abandonment; 17.
Procedure; 18.
Costs how recoverable; 19.
Power to apply Poor Rate to pay Costs; 20.
Inspector of Poor to be reimbursed; 21.
Expenses to be paid by County in certain Cases; 22.
Persons returning after Removal to be Vagrants; 23.
Construction; 24.
Short Title; 25.
SCHEDULE.

1 *April* 1856. 19 Vict.

A

BILL

TO

Amend the Laws for the Removal of poor Persons chargeable in England who have been born in Scotland or Ireland.

Preamble.

WHEREAS the Laws relating to the Removal of poor Persons born in Scotland or Ireland, chargeable to Parishes in England, require to be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal, 8 & 9 Vict. c. 117. 10 & 11 Vict. c. 33.

I. That after the *passing of this Act* the One hundred and seventeenth Chapter of the Statute passed in the Eighth and Ninth Years of the Reign of Her present Majesty, and the Thirty-third Chapter of the Statute of the Tenth and Eleventh Years of Her Majesty, shall be repealed, except in respect of any Matter commenced under the same and not completed, which may be continued and completed as though this Act had not been passed.

Persons not born in England, how removed.

II. Any Male Person born in Scotland or Ireland, not settled in or irremovable by reason of any Provision of the Sixty-sixth Chapter of the Statute passed in the Ninth and Tenth Years of Her Majesty, from any Parish in England, becoming chargeable to any Parish or Union, or Parish therein, on account of Relief rendered to him or his Wife or any Child of his under the Age of *Sixteen*, such Person, his Wife, and every Child of the like Age, shall be liable to be removed in manner herein-after provided; and every Female Person not being settled or irremovable as aforesaid, born in any such Place and becoming chargeable as aforesaid, whether single, or married and living apart from her Husband, or a Widow, with every Child of hers of the like Age, legitimate or illegitimate, residing with her, shall be liable to be removed, in like Manner.

Who to apply for Warrant.

III. The Guardians of any Union, or of any Parish under a Board of Guardians, or the Overseers of any Parish not comprised in a Union or under a Board of Guardians, may, as they shall think fit, apply for and execute the Warrant for the Removal of any such Person as herein-before described, at the Charge of the Common Fund of such Union or of the Parish above described respectively.

How Application to be made.

IV. The Relieving Officer or other Officer appointed by the Guardians for the Purpose, or One of the Overseers, as the Case may be, may, without previous Summons or Warrant, take any Person becoming chargeable whom the said Guardians or Overseers shall have Reason to believe to be removable under this Act, before Two Justices of the Peace in Petty Sessions assembled in any Petty Sessional Division or Borough in which any Part of the said Union or Parish shall be situate, and may make Application for a Warrant of Removal under this Act, and the Justices to whom such Application shall be made shall hear the same in open Court, and shall cause the Evidence of the Person so brought before them, and of all the other Witnesses in the Case, to be given openly, and to be committed to Writing; and if such Justices shall find that such Person was born in some One of the Countries herein-before mentioned, and is not exempt from being removed thereto, by reason of his or her being settled in some Parish in England, or being irremovable from the Parish in which he or she shall be residing, by reason of some Provision in the Statutes relating to the Removal of poor Persons, they may, at their Discretion, issue a Warrant, in the Form set forth in the Schedule hereunto annexed or to the like Effect, for the Removal of such Person, his Wife and any such Child of his or hers.

Whither Removal to be made.

V. The Removal shall be made to the Place which upon the Evidence before the Justices shall appear to be the Place of Birth of the Person so ordered to be removed, unless it shall be proved before them that, he or she having been born in Ireland, had resided continuously in some Union therein, or, having been born in Scotland, had resided continuously in some One Parish therein for the Space of *Five* Years next before he or she left Ireland or Scotland, and in such Case the Removal shall be directed to be made to such Union or Parish, as the Case may be.

Notice of Removal to be sent.

VI. No Person shall be removed to any Place in Scotland or Ireland until *Thirty* Days after a Notice in Writing of his or her being chargeable to the Union or Parish on behalf of which the Application shall be made, accompanied with a Copy or Counterpart of the Warrant of Removal, and a Statement in Writing under the Hands of the Clerk of the Guardians or of the Overseers making the Application, setting forth the Grounds of such Removal, shall have been sent by Post or otherwise to the Parochial Board of the Parish in Scotland or to the Board of Guardians of the Union in Ireland in which Parish or Union the Place to which such Person is to be removed shall be situated: Provided that if such Parochial Board or Board of Guardians, by Writing signed by the Inspector of such Board or Clerk of such Guardians respectively, agree to receive such poor Person, he or she may thereupon be removed, although the said Period of *Thirty* Days may not have elapsed: Provided also, that if Notice of Appeal against such Warrant shall be received by the Guardians or Overseers obtaining the same within the said Period of *Thirty* Days, such poor Person shall not be removed until after the Time of prosecuting such Appeal shall have expired, or in case such Appeal shall be duly prosecuted until after the final Determination of such Appeal.

Removal from Union or Parish within the Metropolitan Police District.

VII. Where the Union, or any Part of it, or the Parish from which any Person shall be sought to be removed as aforesaid shall be within the District for which a Police Court shall have been established within the Metropolitan Police District under Authority of the Statutes in that Behalf, the Application for such Warrant of Removal shall be made in all Cases to the Magistrate of such District only.

Depositions to be furnished.

VIII. The Chief Clerk of the Police Court, or the Clerk to the Justices, as the Case may be, shall keep the Depositions upon which such Warrant shall have been made, and shall within *Six* Days furnish a Copy of such Depositions to the said Parochial Board or Board of Guardians of the Parish or Union to which such Removal is by such Warrant directed to be made, if such Board or Guardians shall apply for such Copy, and pay for the same at the Rate of *Twopence* for every Folio of Seventy Words: Provided that no Omission or Delay in the furnishing such Copy of the Depositions shall be deemed to be any

Ground of Appeal against the Warrant of Removal: Provided also, that on the Trial of any Appeal against the Warrant of Removal the same shall not be quashed or set aside, wholly or in part, on the Ground that such Depositions do not furnish sufficient Evidence to support, or that any Matter therein contained or therefrom omitted raises an Objection to the Warrant or Grounds of Removal.

How Pauper to be removed.

IX. The Guardians or Overseers respectively, when they proceed to execute the said Warrant, shall cause the Person named therein to be removed to the Place mentioned in the said Warrant, or as near thereto as Circumstances will permit, so that in the Case of a Removal to Scotland every such Person shall be delivered to an Inspector of the Poor of the Parish, and in the Case of a Removal to Ireland at the Workhouse of the Union, in which such Place shall be situated; and every Person to whom such Warrant shall be delivered for the Purpose of being carried into execution may during the Time when he shall be executing the same detain and hold in safe Custody every poor Person named therein until such Person shall have arrived at the Place to which the Removal shall be ordered to be made, and shall for that Purpose in every Place through which he may pass in the due Execution of the Warrant and on the High Seas have and exercise the Powers with which a Constable is by Law invested.

Poor Law Board to make Regulations.

X. The Poor Law Board may, as and when it shall seem to them to be requisite, by Order under their Seal, make Rules and Regulations for the Conduct of the Guardians and Overseers and their Officers in regard to the Execution of such Warrants of Removal.

Power of Appeal.

XI. Upon Receipt of the Copy or Counterpart of the Warrant of Removal the Guardians of the Union in Ireland or the Parochial Board of the Parish in Scotland to which such Warrant shall be directed may appeal against the same to the General Quarter Sessions of the Peace held for the County or Borough in which the Parish or any Part of it shall be situate from which the Pauper shall have been removed, having previously sent to the Guardians or to the Overseers respectively by whom such Warrant shall have been obtained Notice of Appeal, containing a Statement of the Grounds thereof, signed as regards the Union in Ireland by the Clerk to the Guardians thereof, and as regards the Parochial Board in Scotland by the Inspector of the Poor of the Parish.

Notice thereof.

XII. No such Appeal shall be allowed if Notice of Appeal be not sent within the Space of *Thirty* Days after the Notice of Chargeability and Statement of the Ground of Removal shall have been sent as herein required.

XIII. Upon

As to the Sufficiency of Statement of Grounds of Removal or Appeal

XIII. Upon the Hearing of any Appeal against such Warrant the Respondents or Appellants respectively shall not go into or give Evidence of any other Ground of Removal or of Appeal against the same than those set forth in the Statements above mentioned; provided that no Objection on account of any Defect in the Form of setting forth any Ground of Removal or of Appeal in any such Statement shall be allowed, and no Objection to the Reception of legal Evidence offered in support of a Ground of Removal or Appeal alleged to be set forth in any such Statement shall prevail, unless the Court shall be of opinion that such alleged Ground is so imperfectly or incorrectly set forth as to be insufficient to enable the Party receiving the same to inquire into the Subject of such Statement, and to prepare for Trial: Provided always, that in all Cases where the Court shall be of opinion that any such Objection to such Statement or to the Reception of Evidence ought to prevail, such Court may, if it shall so think fit, cause any such Statement of Grounds of Removal or Appeal to be forthwith amended by some Officer of the Court or otherwise, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to another Day in the same Sessions or to the next subsequent Sessions, or both Payment of Costs and Postponement, as to such Court shall appear just and reasonable.

Power to amend Statement of Grounds of Removal or Appeal.

Party making frivolous or vexatious Statement of Grounds of Removal or Appeal liable to pay Costs.

XIV. If either of the Parties to the said Appeal shall have included in the Statement of Grounds of Removal or of Appeal sent to the opposite Party any Ground or Grounds of Removal or of Appeal which shall in the Opinion of the Court determining the Appeal be frivolous and vexatious, such Party shall be liable, at the Discretion of the said Court, to pay the whole or any Part of the Costs incurred by the other Party in disputing any such Ground or Grounds; such Costs, if not otherwise paid, to be recovered in the same Manner as the Costs herein-after provided for.

Power for Court to amend Order of Removal on account of Omission or Mistake.

XV. If upon the Trial of an Appeal against any such Warrant or upon the Return to a Writ of Certiorari any Objection shall be made on account of any Omission or Mistake in the drawing up of such Warrant, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Magistrate or Justices making such Warrant to have authorized the drawing up thereof free from the said Omission or Mistake, the Court may, upon such Terms as to Payment of Costs as it shall think fit, amend such Warrant of Removal and give Judgment as if no such Omission or Mistake had existed: Provided always, that no Objection on account of any Omission or Mistake in a Warrant brought up upon a Return to a Writ of Certiorari shall be allowed unless such Omission or Mistake shall have been specified in the Rule for issuing such Writ of Certiorari.

Proviso.

Decisions of Courts upon Hearing of Appeals final.

XVI. The Decision of the Court upon the Hearing of any Appeal against such Warrant, as well upon the Sufficiency and Effect of the Statement of the Grounds of Removal and of Appeal and of the Copy or Counterpart of the Warrant sent to the Appellants as upon the amending or refusing to amend the Warrant as aforesaid, or the Statement of Grounds of Removal or Appeal, shall be final, and shall not be liable to be reviewed in any Court by means of a Writ of Certiorari or Mandamus, or otherwise.

Abandonment of Orders of Removal.

XVII. In any Case in which a Warrant shall have been made for the Removal of any poor Person under this Act, and a Copy or Counterpart thereof sent as herein required, the Guardians or Overseers who shall have obtained such Warrant, whether any Notice of Appeal against the same shall or shall not have been given, and whether any Appeal shall have been entered or not, may abandon such Warrant by Notice in Writing, signed by the Clerk of such Guardians or by the Overseers respectively, to be sent by Post or delivered to the Guardians of the Union, or to the Parochial Board of the Parish to which such Person is by the said Warrant directed to be removed; and thereupon the said Warrant, and all Proceedings consequent thereon, shall become and be null and void, and shall not be in any way given in Evidence in case any other Warrant of Removal of the same Person shall be obtained: Provided always, that in all Cases of such Abandonment the Overseers or Guardians so abandoning shall pay to the Guardians of the Union or Parochial Board of the Parish to which such Person is by the said Warrant directed to be removed the Costs which the said last-mentioned Guardians or Parochial Board shall have incurred by reason of such Warrant, and of all subsequent Proceedings thereon, which Costs the proper Officer of the Court before whom any such Appeal (if it had not been abandoned) might have been brought shall and he is hereby required, upon Application, to tax and ascertain, at any Time, whether the Court shall be sitting or not, upon Production to him of such Notice of Abandonment, and upon Proof to him that such reasonable Notice of Taxation, together with a Copy of the Bill of Costs, has been sent to the Guardians or Overseers abandoning such Order, as, having due Regard to the Distance between the Parties, shall in his Judgment be requisite; and thereupon the Sum allowed for Costs, including the usual Costs of Taxation which such Officer is hereby empowered to charge and receive, shall be indorsed upon the said Notice of Abandonment, and the said Notice so indorsed shall be filed among the Records of the said Court; and if the said Costs so allowed be not paid within *Ten* Days after such Costs shall have been lawfully demanded, the Amount thereof may be recovered from such last-mentioned Guardians or Overseers as in the Case of an Order of Removal.

As to Payment of Costs on Abandonment.

XVIII. The

Procedure.

XVIII. The Guardians of the Poor of the Union in Ireland and the Inspector of the Poor of the Parish in Scotland respectively shall be the Parties respectively to appear and prosecute the Appeal in such Court of Quarter Sessions, and on the Hearing of the Appeal may show, in addition to or in lieu of any other Matter of Objection, that the Pauper was not born or had not resided in such Union or Parish, as set forth in the said Warrant, and if the Warrant shall be quashed shall be entitled to recover such Costs and Charges as the said Court shall find to have been incurred by them or him respectively in prosecuting such Appeal as in the Case of an Order of Removal.

Costs how recoverable.

XIX. If on such Hearing the Warrant shall be confirmed, such Guardians or Inspector respectively shall pay to the Respondents such Costs and Charges as the said Court shall find to have been incurred by them in defending such Appeal, together with the Cost of the Maintenance of the Pauper from the Time of the granting of the Warrant to the Determination of the Appeal; and a Demand of Payment in Writing, signed by the Clerk to the Board of Guardians or by One of the Overseers, and sent by Post to the Guardians of the Union in Ireland or to the Inspector of the Parish in Scotland, shall be a sufficient Demand for the Purpose of such Recovery; and if the Amount shall not be paid upon such Demand, the Guardians of the Poor of the Union or Parish or the Overseers of the Poor entitled to the same may recover the Amount from the Guardians of the Poor of the Union in Ireland as a Debt in any Civil Bill Court having Jurisdiction in such Union or some Part thereof, or from the Inspector of the Poor in Scotland by Action before the Sheriff of the County wherein the Parish on whose Behalf the Appeal was brought shall be situated, and such Action shall be continued against his Successor in Office, notwithstanding the Death, Resignation, Suspension, or Removal of such Inspector, upon Notice given to such Successor, without any Action of Transference; and no such Action shall be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review or Reduction by any Superior Court.

Power to apply Poor Rate to pay Costs.

XX. The Guardians of the Poor of the Union in Ireland may expend, and charge upon the Monies in their Possession, the Costs and Expenses reasonably incurred in and about any such Appeal, or in the Investigation as to the Validity of such Warrant, and charge the same to the Union to which the Pauper shall be directed to be removed.

Inspector of Poor to be reimbursed.

XXI. The Inspector of Poor in Scotland shall be reimbursed by the Parochial Board all such Costs and Charges which he shall incur in the Prosecution of such Appeal, and in the Discharge of the Claim for Maintenance, when the said Board shall have authorized him to commence or proceed in such Appeal, until they shall have directed him to discontinue his Proceedings.

Expenses to be paid by County in certain Cases.

XXII. In the Case of any Parish in England not contained in any Union, and not containing a Population exceeding *Thirty thousand* Persons according to the Census published by the Authority of Parliament last before the Date of the Warrant of Removal, if the Guardians or Overseers on whose Complaint the same was made bring or send to the Clerk of the Peace of the County or to the Town Clerk of the Borough in which such Parish shall be situated, such Warrant, accompanied with an Affidavit sworn before some Justice of the Peace of the same County or Borough (who shall be hereby authorized to administer the same) of the Amount of the Expenses incurred and paid by such Guardians or Overseers on account of the Removal under such Warrant, and in the Defence of any Appeal, when the Warrant shall have been confirmed, and a Statement of the several Items of the Charge, such Clerk of the Peace shall lay the same before the Justices of the Peace assembled at the Quarter Sessions holden for the County next after he shall have received the same, and such Town Clerk shall lay the same before the Council of such Borough at their Quarterly Meeting next after he shall have received the same, and the said Justices and Council respectively shall order the Amount, or such Portion of it which they shall find to have been properly incurred, to be paid to such Guardians or Overseers, out of the County Rate or Borough Fund, as the Case shall require.

Persons returning after Removal to be Vagrants.

XXIII. Every Person who shall have been removed by Warrant under this Act, returning to and becoming chargeable to the Union or Parish from which he shall have been removed within the Period of One Year from the Date of such Warrant, shall be deemed an idle and disorderly Person within the Meaning of the Act of the Fifth Year of King George the Fourth, Chapter Eighty-three, and shall be liable to be prosecuted and punished accordingly.

Construction.

XXIV. The Words used in this Act shall be construed in like Manner as in the Act of the Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, and the subsequent Acts incorporating the same, unless the Context shall require a different Construction.

Short Title.

XXV. This Act may be cited as "The Poor Removal Act, 1856."

SCHEDULE.

Form of Warrant for the Removal of poor Persons under the Authority of this Act.

To the Guardians of the Poor of the Union in the County of *or*, To the Churchwardens and Overseers of the Poor of the Parish of in the County *and* to the Guardians of the Poor of the Union in the Kingdom of Ireland, *or*, To the Parochial Board of the Parish or Combination of in the County of in the Kingdom of Scotland.

County of
to wit.
or
Metropolitan Police District.

Whereas Complaint hath been made to the Guardians of the Poor of the Union *or* Parish in the County of *or* by *A.B.* and *C.D.* Churchwardens, and *E.F.* and *G.H.* Overseers of the Poor of the Parish of in the County *or* Borough of *or* within the Metropolitan Police District,

this Day unto us the undersigned, Her Majesty's Justices of the Peace, acting in and for the said County *or* Borough in Petty Sessions assembled, *or* unto me the undersigned, One of the Magistrates of the Metropolitan Police District, that

a Person born in Scotland, *or* Ireland, hath become and is now chargeable to the said Union, *or* to a Parish therein, *or* to the said Parish: And whereas, having made due Inquiry and Examination, we *or* I do adjudge that the said

was born in Scotland, *or* Ireland, and hath not acquired a Settlement in England, and is not exempt from Removal from the Parish *or* Township in which he *or* she is now residing by reason of any Provision contained in the Statutes relating to the Removal of the Poor by reason of Residence or Sickness, Accident, or otherwise; [*Insert where necessary*:] [and that he hath a Wife named and Child[ren] under the Age of Sixteen named :] And we *or* I do adjudge that the said was born in the Parish of in the County of in the Kingdom of Ireland, which Place is contained in the Union, *or* in the Parish of in the County of in the Kingdom of Scotland: *or*, we *or* I do adjudge that the said

resided continuously for Five Years before he *or* she last left Ireland *or* Scotland in the Union in the County of *or* in the Parish of in the County of in such Kingdom:] And we *or* I do therefore order you the Guardians of the Poor of the said Union *or* Parish, *or* you the said Churchwardens and Overseers, to cause the said his said Wife, and the said his Child[ren], to be conveyed at the Expiration of the Time appointed by the Statute in this Behalf, and delivered to the Master of the Workhouse belonging to the said Union in the Kingdom of Ireland, *or* to the Inspector of the Poor of said Parish of in the Kingdom of Scotland. Given under our *or* my Hands and Seals at in the of this Day of 185 .

(L. S.)
(L. S.)

Scotch and Irish Pauper Removals.

A BILL

To amend the Laws for the Removal of poor Persons chargeable in England who have been born in Scotland or Ireland.

(Prepared and brought in by Mr. Bouverie, Sir George Grey, and Mr. Baines.)

Ordered, by The House of Commons, *to be Printed,* 1 *April* 1856.

[Bill 78.]

Under 2 *oz.*

13 *June* 1856. 19 VICT.

A

BILL

TO

Make further Provision for the Establishment of Savings Banks for Seamen.

WHEREAS by the Merchant Shipping Act, 1854, certain Powers were given to the Commissioners for the Reduction of the National Debt for the Purpose of establishing Savings Banks for Seamen: And whereas it has since been found to be expedient that the immediate Management and Control of such Savings Banks should be placed in the Hands of the Board of Trade: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Board of Trade may establish in London a Central Savings Bank for Seamen, together with Branch Savings Banks at such Ports and Places in the United Kingdom as they may think expedient, and they may receive at such Banks Deposits from or on account of Seamen, or the Wives, Widows, and Children of Seamen, so, however, that the aggregate Amount of Deposit standing at any One Time in the Name of any One Depositor shall not exceed Two hundred Pounds.

Power of Board of Trade to establish Savings Banks for Seamen.

II. The

Shipping Office may be constituted a Branch Savings Bank.

II. The Board of Trade may constitute any Shipping Office established under the Merchant Shipping Act, 1854, a Branch Savings Bank for the Purposes of this Act, and may require any Shipping Master belonging to such Office to act as Agent of the said Board in carrying this Act into effect, and his Duties as such Agent shall thereupon be deemed to be Part of his Duties within the Meaning of the Merchant Shipping Act, 1854.

Commissioners for Reduction of National Debt to receive Deposits and pay Interest.

III. The Commissioners for the Reduction of the National Debt may from Time to Time, on the Request of the Board of Trade signified by Writing by One of the Secretaries or Assistant Secretaries of such Board, receive from Her Majesty's Paymaster General the Monies received by the said Board as Deposits in Savings Banks established under this Act; and may also from Time to Time, on the like Request signified in like Manner, repay to Her Majesty's Paymaster General to the Account of the said Board the Monies so received by them as aforesaid; and the said Commissioners shall invest all Monies so received by them as aforesaid in the same Manner in which Monies received from Trustees of Savings Banks are invested by them, and shall pay to Her Majesty's Paymaster General, to the Account of the Board of Trade, Interest upon the Monies so received by them as aforesaid so long as the same continue in their Hands, at the same Rate at which they pay Interest for the Time being upon the Monies received by them from the Trustees of Savings Banks.

Board of Trade to make Regulations for Conduct of Savings Banks.

IV. The Board of Trade may make and from Time to Time alter such Regulations as they may think fit with respect to the Persons entitled to become Depositors, to the making and Withdrawal of Deposits, the Amount of Deposits, the Rate and Payment of Interest, the Rights, Claims, and Obligations of Depositors, and with respect to all other Matters incidental to carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other Public Officer employed on or about such Savings Banks, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any Deposit or Interest thereon, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Application of Deposits of deceased Depositor.

V. All Sums of Money due from the Board of Trade to the Estate of any deceased Person entitled to any Deposit in any Savings Bank established under this Act shall be paid and applied by such Board to the same Persons to whom and in the same Manner and subject to the same Conditions on and subject to which the Money and Effects of a deceased Seaman are payable and applicable under the Provisions of the Merchant Shipping Act, 1854.

Punishment for Forgery and false Representations in order to obtain Deposits or Interest.

VI. Every Person, who for the Purpose of obtaining, either for himself or for another, any Money deposited in any Savings Bank established under this Act, or any Interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to any such Money or Interest, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall on Conviction be punishable with Penal Servitude for a Term not exceeding *Four* Years, or with Imprisonment, with or without Hard Labour, for any Period not exceeding *Two* Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding *Six* Months.

Expenses of Act how defrayed.

VII. The Board of Trade may, out of the Interest paid by the Commissioners for the Reduction of the National Debt on the Monies paid to them under this Act, pay any Expenses incurred in carrying this Act into effect.

Accounts and Copy of Regulations to be laid before Parliament.

VIII. An annual Account of all Deposits received and repaid by the Board of Trade under the Authority of this Act, and of the Interest thereon, shall be laid before both Houses of Parliament; and a Copy of all Regulations made by this Board under the Authority of this Act shall likewise be laid before both Houses of Parliament.

Mode of Criminal Proceeding.

IX. All Criminal Proceedings under this Act shall be carried on in the same Manner as similar Proceedings under the Merchant Shipping Act, 1854, and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

Seamen's Savings Banks.

A

BILL

To make further Provision for the Establishment of Savings Banks for Seamen.

(*Prepared and brought in by*
Mr. Lowe and Mr. Wilson.)

Ordered, by the House of Commons, *to be Printed*,
13 *June* 1856.

[Bill 178.]

Under 1 *oz.*

25 *February* 1856. 19 Vict.

(Ireland.)

A

BILL

TO

Abolish the Office of Secretary to the Poor Law Commissioners in Ireland.

Preamble.

WHEREAS the Office of Secretary to the Commissioners for administering the Laws for Relief of the Poor in Ireland is unnecessary, and it is expedient that the same should be abolished: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of 10 & 11 Vict. c. 90. s. 4. repealed, and Office of Secretary to Poor Law Commissioners abolished.

Acts done by Commissioners respecting which Counter-signature of Secretary was heretofore necessary to be done without such Counter-signature.

From and after *the passing of this Act* so much of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Ninety, as provides that the Commissioners for administering the Laws for the Relief of the Poor in Ireland shall from Time to Time, subject to the Approval of the Lord Lieutenant, appoint a Secretary, shall be repealed; and the said Office of Secretary shall be abolished; and all Acts of the said Commissioners or of any of them which shall be done in exercise of the Powers and Authorities given to them or any of them by the said recited Act, or by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, or by any other Act or Acts, and in reference to which the Counter-signature of the said Secretary was required before the passing of this Act, shall be valid and of full Force and Effect without such Counter-signature.

Secretary to the Poor Law Commissioners (Ireland).

A

BILL

To abolish the Office of Secretary to the
Poor Law Commissioners in Ireland.

(*Prepared and brought in by*
Mr. Horsman and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1856.

[Bill 50.]

Under 1 *oz.*

23 *July* 1856. 19 & 20 Vict.

A

BILL

INTITULED

An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

Preamble. 11 & 12 Vict. c. 107.

WHEREAS an Act was passed in the Twelfth Year of the Reign of Her present Majesty, Chapter One hundred and seven) for preventing until the First Day of September One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals: And whereas the said Act was by sundry Acts continued until the First Day of September One thousand eight hundred and fifty-three, and until the End of the then Session of Parliament: And whereas by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Sixty-two, the said first-recited Act has been extended and further continued, and will remain in force until the First Day of September in the present Year, or if Parliament be then sitting until the End of the then Session of Parliament: And whereas it is expedient that the said first-recited Act as the same is extended and continued by the said last-recited Act should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of

16 & 17 Vict. c. 62.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts continued.

I. The said recited Act passed in the Twelfth Year of the Reign of Her present Majesty, as the same is extended by the said recited Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, shall continue and be in force until the First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.

Sheep, &c. Contagious Diseases Prevention.

A

BILL

INTITULED

An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

(*Brought from the Lords* 22 *July* 1856.)

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1856.

[Bill 266.]

Under 1 *oz.*

22 *May* 1856. 19 VICT.

A

BILL

TO

Settle an Annuity on Sir William Fenwick Williams, in consideration of his eminent Services.

Most Gracious Sovereign,

Preamble.

WHEREAS Your Majesty, by Your most Gracious Message, hath been pleased to signify that Your Majesty, being desirous of conferring a signal Mark of Your Favour and Approbation on Major General Sir William Fenwick Williams, K.C.B., for the eminent and distinguished Services rendered by him as Your Majesty's Commissioner at the Head Quarters of the Turkish Army in Asia, and particularly in the gallant Defence of Kars, recommended to us to enable Your Majesty to make Provision for securing to Sir William Fenwick Williams a Pension of One thousand Pounds per Annum for the Term of his natural Life: Therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, duly considering Your Majesty's Gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of

Annuity of 1,000*l.* to be paid to Sir W. F. Williams during his Life.

the same, as follows: That an Annuity of *One thousand Pounds* shall be paid to Sir William Fenwick Williams, Baronet, K.C.B., for the Term of his natural Life, and the said Annuity shall be deemed to have commenced and taken effect from the *Eighth Day of May One thousand eight hundred and fifty-six*, and the First Payment of a proportionate Part thereof, for the Period from such Commencement to the Fifth Day of July One thousand eight hundred and fifty-six, shall be made on the said Fifth Day of July One thousand eight hundred and fifty-six; and such Annuity shall thereafter be paid quarterly, (that is to say,) on the Tenth Day of October, the Fifth Day of January, the Fifth Day of April, and the Fifth Day of July in every Year, and shall issue and be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and the Receipt of the said Sir William Fenwick Williams, or of such other Person as shall be duly authorized and appointed by him to receive such Annuity or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said Annuity shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

Sir William Fenwick Williams' Annuity.

A

BILL

To settle an Annuity on Sir William Fenwick Williams, in consideration of his eminent Services.

(Prepared and brought in by
Mr. FitzRoy, Viscount Palmerston, and
the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
22d May 1856.

[Bill 138.]

Under 1 *oz.*

29 *April* 1856. 19 Vict.

A

BILL

TO

Repeal certain Statutes which are sleeping and not in Use.

BE it enacted and declared by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Acts herein-after mentioned, together with all Enactments (if any) confirming, continuing, or perpetuating the same, or any of them, are repealed: Provided always, that such Repeal shall not effect any legal Proceeding commenced under any of the said Acts before the passing of this Act.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
Statute of Westminster the Second. 13 Edw. 1. c. 33.	Lands where Crosses be set shall be forfeited as Lands aliened in Mortmain.	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
Statute of Westminster the Second. 13 Edw. 1. c. 41.	A *Contra formam collationis,* and a *Cessavit* to recover Lands given in Alms.	—	—
Articuli super Chartas. 28 Edw. 1. c. 5.	The Chancellor and the Justices of the King's Bench shall follow the King.	—	—
Articuli super Chartas. 28 Edw. 1. c. 20.	Vessels of Gold shall be essayed, touched, and marked; the King's Prerogative shall be saved.	—	—
5 Edw. 3. c. 14.	Night Walkers and suspected Persons shall be safely kept.	—	—
Statute of Nottingham De cibariis utendis. 10 Edw. 3.	- - -	10 Edw. 3. stat. 3.	—
25 Edw. 3. Stat. 5. c. 22.	He that purchaseth a Provision in Rome for an Abbey, shall be out of the King's Protection, and any Man may do with him as with the King's Enemy.	—	—
28 Edw. 3. c. 10.	The Penalty of the Mayor, Sheriffs, &c. of London, if they do not redress Errors and Misprisions there; and in what Counties the Trial thereof shall be.	—	—
37 Edw. 3. c. 15.	Clothiers shall make Cloths sufficient of the aforesaid Prices, so that this Statute for default of such Cloths be in nowise infringed.	—	—
6 Ric. 2. stat. 1. c. 9.	No Victualler shall execute a judicial Place in a City or Town Corporate.	—	—
7 Ric. 2. c. 13.	No Man shall ride in Harness within the Realm, nor with Launcegays.	—	—
12 Ric. 2. c. 12.	In what Cases the Lords and Spiritual Persons shall be contributory to the Expenses of the Knights of Parliament.	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
12 Ric. 2. c. 13.	The Punishment of them which cause Corruption near a City or great Town, to corrupt the Air.	—	—
13 Ric. 2. stat. 1. c. 8. -	The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of Peace, and they shall assess the Gains of Victuallers who shall make Horsebread, and the Weight and Price thereof.	—	—
17 Ric. 2. c. 4.	Malt sold to London shall be cleansed from the Dust.	—	—
17 Ric. 2. c. 10.	Two learned Men in the Law shall be in Commission of Jail Delivery.	—	—
20 Ric. 2. c. 1.	No Man shall ride or go armed; Launcegays shall be put out.	—	—
20 Ric. 2. c. 2.	Who only may wear another's Livery.	—	—
1 Hen. 4. c. 15.	The Punishment of the Mayor, &c. of London for Defaults committed there.	—	—
4 Hen. 4. c. 5.	Every Sheriff shall in Person continue in his Bailiwick, and shall not let it.	—	—
4 Hen. 4. c. 10.	The Third Part of the Silver bought to the Bullion shall be coined in Halfpence and Farthings.	—	—
4 Hen. 4. c. 25.	An Hostler shall not make Horsebread. How much he may take for Oats.	—	—
4 Hen. 4. c. 27.	There shall be no Wasters, Vagabonds, &c. in Wales.	—	—
4 Hen. 4. c. 29.	Welshmen shall not be armed -	—	—
5 Hen. 4. c. 2.	The Penalty of him which procureth Pardon for an Approver that committeth Felony again.	—	—
5 Hen. 4. c. 13.	What Things may be gilded and laid on with Silver and Gold, and what not.	—	—
7 Hen. 4. c. 7.	Arrowheads shall be well boiled, brased, and hard.	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
11 Hen. 4. c. 1.	The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.	—	—
1 Hen. 5. c. 4.	Sheriff's Bailiffs shall not be in the same Office in Three Years after; Sheriff's Officers shall not be Attorneys.	—	—
2 Hen. 5. stat. 2. c. 4.	There shall be no gilding of Silver Ware but of the Allay of English Sterling.	—	—
4 Hen. 5. c. 6.	Penalty on Irish Prelates for collating an Irishman to a Benefice in England or bringing an Irishman to Parliament to discover the Counsels of Englishmen to Rebels.	4 Hen. 5. stat. 2. c. 6.	—
8 Hen. 5. c. 3.	What Things only may be gilded and what laid on with Silver.	—	—
9 Hen. 5. stat. 1. c. 10.	Keels that carry Sea Coals to Newcastle shall be measured and marked.	—	—
1 Hen. 6. c. 3.	What Sort of Irishmen only may come to dwell in England.	—	—
6 Hen. 6. c. 4.	The Sheriff's Traverse to an Inquest found touching returning Knights of Shires for the Parliament.	—	—
8 Hen. 6. c. 22.	What is requisite to be done in winding and packing of Wool. None shall force, clack, or beard any Wool.	—	—
11 Hen. 6. c. 1.	They that dwell at the Stews in Southwark shall not be impanelled in Juries nor keep any Inn or Tavern but there.	—	—
8 Hen. 6. c. 18.	How much a Captain shall forfeit that doth detain any Part of his Soldier's Wages.	—	—
23 Hen. 6. c. 4.	Welshmen indicted of Treason or Felony that do repair unto Herefordshire shall be apprehended and imprisoned or	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
	else pursued by Hue and Cry, and a Forfeiture of those which do not pursue them.		
8 Hen. 6. c. 5.	The Penalty of the Officers of the Customs which by Colour of their Offices shall distrain any Man's Ships or Goods.	—	——
4 Edw. 4. c. 8.	No Stranger shall buy English Horns unwrought gathered or growing in London or within Twenty-four Miles thereof. Certain Powers vested in the Wardens of the Horners of London.	—	——
7 Edw. 4. c. 4.	An Act for making of Tiles -	—	——
4 Hen. 7. c. 2.	Allaying of Gold and Silver, melting, selling, and marking the same.	- -	An Act for Finers of Gold and Silver.
4 Hen. 7. c. 3.	Butchers shall kill no Beasts within any walled Town or Cambridge.	- -	An Act that no Butcher slay any Manner of Beast within the Walls of London.
4 Hen. 7. c. 16.	The Penalty of taking more Farms than One in the Isle of Wight.	- -	An Act concerning the Isle of Wight.
11 Hen. 7. c. 19.	What Stuffs Upholsterers shall put in Bolsters, Featherbeds, and Pillows.	- -	An Act against Upholsterers.
11 Hen. 7. c. 21.	The Ability of every Man that shall be impanelled in any Inquest or Attaint in London.	- -	An Act against Perjury.
11 Hen. 7. c. 27.	A Remedy to avoid deceitful Sleights used upon Fustians.	- -	An Act against unlawful and deceitful making of Fustians.
19 Hen. 7. c. 6.	Pewterers walking - -	—	——
19 Hen. 7. c. 10.	Sheriffs - -	- -	De voluntariis et negligentibus escapiis.
3 Hen. 8. c. 14.	An Act for searching of unlawful Oils.	- -	An Act for the searching of Oils within the City of London.
4 Hen. 8. c. 7.	An Act made for Pewterers and true Weights and Beams.	- -	Pur le Pewterers.
Hen. 8. c. 4.-	An Act for avoiding Deceits in Worsteds.	—	——

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
14 & 15 Hen. 8. c. 2.	What Apprentices strange Artificers shall take, &c.	- -	The Act concerning the taking of Apprentices by Strangers.
14 & 15 Hen. 8. c. 3.	Touching Worsted Weavers of Yarmouth and Linn.	- -	The Act concerning the draping of Worsteds, Sayes and Stamins for the Town of Great Yarmouth.
14 & 15 Hen. 8. c. 12.	What Coiners shall do that make Money at any Mint in England.	- -	An Act concerning coining of Money.
21 Hen. 8. c. 12.	Touching making of Cables, &c. in Burport.	- -	An Act for true making of great Cables, Halsers, Ropes, and all other Tackling for Ships, &c., in the Borough of Burport in the County of Dorset.
21 Hen. 8. c. 16.	Touching Artificers Strangers what they may do as concerning retaining Apprentices, Journeymen, &c.	- -	An Act ratifying a Decree made in the Star Chamber concerning Strangers Handicraftsmen inhabiting the Realm of England.
22 Hen. 8. c. 10.	An Act concerning outlandish People calling themselves Egyptians.	- -	An Act concerning Egyptians.
24 Hen. 8. c. 10.	For the Destruction of Crows and Rooks.	- -	An Act made and ordained to destroy Choughs, Crows, and Rooks.
25 Hen. 8. c. 5.	For calendering of Worsteds -	- -	An Act for calendering of Worsteds.
25 Hen. 8. c. 9.	A Bill concerning Pewterers -	-	An Act concerning Pewterers.
25 Hen. 8. c. 13.	Concerning the Number of Sheep one should keep.	- -	An Act concerning Farms and Sheep.
25 Hen. 8. c. 18.	An Act for Clothiers in Worcestershire.	- -	An Act for Clothiers within the Shire of Worcester.
26 Hen. 8. c. 5.	For the Passage over the Severn.	- -	An Act that Keepers of Ferries on the Water of Severn shall not convey in their Ferry Boats any Manner of Person,

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
			Goods, or Chattels after the Sun going down till the Sun be up.
26 Hen. 8. c. 6.	The Bill concerning Councils in Wales.	- -	An Act that Murders and Felonies done or committed within any Lordship Marcher in Wales shall be inquired of at the Sessions holden within the Shire Grounds next adjoining, with many good Orders for Administration of Justice there to be had.
26 Hen. 8. c. 16.	An Act for the making of Worsteds in the City of Norwich and in the Towns of Lynn and Yarmouth.	—	—
2 Hen. 8. c. 13.	The Bill for the Breed of Horses	- -	For Breed of Horses.
33 Hen. 8. c. 16.	A Bill for Worsted Yarn in Norfolk.	- -	An Act for Worsted Yarn in Norfolk.
34&35 Hen. 8. c. 10.	The Bill for making of Coverlets in York.	- -	An Act for the true making of Coverlets in York.
35 Hen. 8 c. 11.	The Bill for Knights and Burgesses in Wales concerning the Payment of their Fees and Wages.	- -	An Act for the due Payment of the Fees and Wages of Knights and Burgesses for the Parliament in Wales.
1 Edw. 6. c. 6.	The Bill for the Continuance of making of Worsted Yarn in Norfolk.	- -	An Act for the Continuance of making of Worsted Yarn in Norfolk.
2 & 3 Edw. 6. c. 9.	- - - -	- -	An Act for the true currying of Leather.
2 & 3 Edw. 6. c. 11.	- - - -	- -	An Act for the true tanning of Leather.
2 & 3 Edw. 6. c. 19.	An Act touching Abstinence from Flesh in Lent and other usual Times.	- -	An Act for Abstinence from Flesh.
2 & 3 Edw. 6. c. 27.	The Bill against false forging of Iron Gadds instead of Gadds of Steel.	- -	An Act against the false forging of Gadds of Steel.

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
3 & 4 Edw. 6. c. 2.	An Act for the true making of Woollen Cloths.	—	——
3 & 4 Edw. 6. c. 9.	- - - -	- -	An Act for the buying of raw Hides and Calf Skins.
3 & 4 Edw. 6. c. 10.	An Act for the abolishing and putting away of divers Books and Images.	—	——
5 & 6 Edw. 6. c. 6.	An Act for the true making of Woollen Cloth.	- -	An Act for the making of Woollen Cloth.
5 & 6 Edw. 6. c. 24.	An Act for making of Hats, Dornecks, and Coverlets, in Norwich and in Norfolk.	- -	An Act for the making of Hats, Dornecks, and Coverlets at Norwich and in the County of Norfolk.
7 Edw. 6. c. 5.	The Act to avoid the excessive Prices of Wine.	- -	An Act to avoid the great Price and Excess of Wines.
7 Edw. 6. c. 7.	An Act for the Assize of Fuel	—	——
1 Mary, stat. 3. c. 8.	An Act touching the buying and currying of Leather.	—	——
1 & 2 Ph. and M. c. 4.	An Act against certain Persons calling themselves Egyptians.	- -	An Act for the Punishment of certain Persons calling themselves Egyptians.
1 & 2 Ph. and M. c. 7.	An Act that Persons dwelling in the Country shall not sell divers Wares in Cities or Towns Corporate by Retail.	—	——
1 Eliz. c. 8.	- - - -	- -	An Act touching Shoemakers and Curriers.
1 Eliz. c. 9.	- - - -	- -	An Act touching Tanners and the selling of tanned Leather.
1 Eliz. c. 15.	An Act that Timber shall not be felled to make Coals for burning of Iron.	- -	An Act that Timber shall not be felled to make Coals for the making of Iron.
5 Eliz. c. 8. -	- - - -	- -	An Act touching Tanners, Curriers, Shoemakers, and other Artificers, occupying the cutting of Leather.
8 Eliz. c. 8. -	An Act for the repeal of a Branch of a Statute made Anno 32 H. 8, touching the Stature of Horses.	- -	An Act for the Repeal of a Branch of a Statute made Anno 32 H. 8, for the

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
			Stature of Horses within the Isle of Ely, and other Places confining thereunto.
8 Eliz. c. 9. -	An Act to repeal a Branch of the Statute made in the Twenty-third Year of King Henry the Eighth, touching the Prices of Barrels and Kilderkins.	- -	An Act to repeal a Branch of a Statute made Anno 23 H. 8. touching the Prices of Barrels and Kilderkins.
8 Eliz. c. 10.	An Act for Bowyers ..	- -	An Act for Bowyers, and the Prices of Bows.
8 Eliz. c. 12.	An Act for the Aulneger's Fees in Lancaster, and for Length Breadth, and Weight of Cottons, Frizes, and Rugs.	- -	An Act for the Aulneger's Fees in Lancashire, and for Length, Breadth, and Weight of Cottons, Frizes, and Rugs.
23 Eliz. c. 5.	An Act touching Iron Mills near unto the City of London and the River of Thames.	—	—
23 Eliz. c. 8.	An Act touching the true making, melting, and working of Wax.	- -	An Act for the true melting, making and working of Wax.
27 Eliz. c. 19.	An Act for the Preservation of Timber in the Wealds of the Counties of Sussex, Surrey, and Kent, and for the Amendment of Highways decayed by Carriages to and from Iron Mills there.	—	—
35 Eliz. c. 9.	An Act touching the Breadth of Plunkets, Azures, and Blues, and other coloured Cloths, made within the County of Somerset or elsewhere of like making.	- -	An Act touching Breadth of Cloths.
1 Jac. 1. c. 6.	An Act made for the Explanation of the Statute made in the Fifth Year of the late Queen Elizabeth's Reign concerning Labourers.	—	—
1 Jac. 1. c. 20.	An Act for Redress of certain Abuses and Deceits used in painting.	—	—
3 Jac. 1. c. 9.	An Act for the Relief of such as lawfully use the Trade and Handicraft of Skinners.	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
3 Jac. 1. c. 16.	An Act for the Repeal of One Act made in the Fourteenth Year of Queen Elizabeth's Reign, concerning the Length of Kersies.	—	—
3 Jac. 1. c. 17.	An Act concerning Welsh Cottons.	—	—
4 Jac. 1. c. 2.	An Act for the true making of Woollen Cloth.	—	—
4. Jac. 1. c. 6.	An Act for repealing of so much of One Branch of a Statute made in the First Year of His Majesty's Reign, intituled "An Act concerning Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather,' as concerneth the sealing of Sheepskins, and to avoid selling of tanned Leather by Weight.	—	—
21 Jac. 1. c. 18.	An Act for Continuance of a former Act made in the Fourth Year of the King's Majesty's Reign of England, &c. intituled "An Act for the true making Woollen Cloths," and for some Additions and Alterations in and to the same.	- -	An Act for Continuance of a Statute made for the making of Woollen Cloths.
21 Jac. 1. c. 21.	An Act concerning Hostlers and Innholders.	—	—
12 Car. 2. c. 32.	An Act for prohibiting the Exportation of Wool, Wool Fells, Fullers Earth, or any Kind of scouring Earth.	—	—
13 & 14 Car. 2. c. 18.	An Act against exporting of Sheep, Wool, Woolfells, Mortlings, Shorlings, Yarn made of Wool, Wool Flocks, Fullers Earth, Fulling Clay, and Tobacco Pipe Clay.	14 Car. 2. c. 18.	—
5 W. & M. c. 13.	An Act to repeal the Statute made in the Tenth Year of King Edward the Third for finding Sureties for the good abearing by him or her that hath a Pardon of Felony.	5 & 6 W. & M. c. 13.	—
9 Will. 3. c. 40.	An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers Earth, and Scouring Clay.	—	—

Title, &c. in the Quarto Edition of Ruffhead and others.		Title, &c. in the Folio Edition of the Record Commission, where differing from the Quarto Edition.	
10 Will. 3. c. 2.	An Act to prevent the making or selling of Buttons made of Cloth, Serge, Drugget or other Stuffs.	—	—
1 Anne, stat. 1. c. 21.	An Act for preventing Frauds in the Duties upon Salt and for the better Payment of Debentures at the Custom House.	1 Anne, c. 15.	—
4 Geo. 1. stat. 1. c. 7.	An Act for making more effectual an Act made in the Eighth Year of the late Queen Anne, intituled "An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn."	—	—
7 Geo. 1. c. 12.	An Act for employing the Manufacturers and encouraging the Consumption of Raw Silk and Mohair Yarn by prohibiting the Wearing of Buttons and Button-holes made of Cloth, Serge, and other Stuffs.	—	—
11 Geo. 2. c. 28.	An Act for the better regulating the Manufacture of narrow Woollen Cloths in the West Riding of the County of York.	—	—
10 Geo. 3. c. 49.	An Act for continuing and amending several Acts for preventing Abuses in making Bricks and Tiles.	—	—
17 Geo. 3. c. 42.	An Act for preventing Abuses in the making and vending Bricks and Tiles.	—	—

Sleeping Statutes.

A

BILL

To repeal certain Statutes which are sleeping and not in Use.

(Prepared and brought in by
Mr. Locke King, Mr. Watson,
Mr. John George Phillimore, and Mr. Ewart.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1856.

[Bill 115.]

Under 2 oz.

22 *May* 1856. 19 VICT.

A

BILL

TO

Exempt Imprisonments under the Act 5 Geo. 4. c. 96. from the Operation of the Act abolishing in Scotland Imprisonment for Civil Debts of small Amount.

Preamble.

5 G. 4. c. 96.

5 & 6 W. 4. c. 70.

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to consolidate and amend the Laws relative to "the Arbitration of Disputes between Masters and Workmen," Justices of the Peace are empowered to commit Persons to Prison in certain Cases therein mentioned: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for abolishing in Scotland Imprisonment for Civil "Debts of small Amount:" And whereas it is expedient to encourage the Settlement of all Disputes between Masters and Workmen by Arbitration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Nothing in 5 & 6 W. 4. c. 70. to apply to Imprisonment under 5 G. 4. c. 96.

I. That nothing in the said last-recited Act contained shall apply to Imprisonment under the first-recited Act.

[Bill 142.]

Small Debts Imprisonment Act Amendment (Scotland).

A

BILL

To exempt Imprisonments under the Act 5 Geo. 4. c. 96. from the Operation of the Act abolishing in Scotland Imprisonment for Civil Debts of small Amount.

(Prepared and brought in by
Mr. Craufurd and Sir James Fergusson.)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1856.

[Bill 142.]

Under 1 *oz.*

30 *May* 1856. 19 Vict.

A

BILL

INTITULED

An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.

Preamble.

16 & 17 Vict. c. 128.

WHEREAS by an Act passed in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to "abate the Nuisance arising from the Smoke of Furnaces "in the Metropolis, and from Steam Vessels above London Bridge," it was enacted, that nothing in that Act contained shall extend or apply to any Glass-works or Pottery-works existing within the Metropolis before the passing of the said Act, and it is expedient that the said Provision be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision in recited Act as to Exemption of certain Furnaces repealed.

I. From and after the First Day of January One thousand eight hundred and fifty-eight, the above-mentioned Provision, whereby certain Furnaces in Glass-works and Pottery-works were exempted from the Operation of the said Act, shall be repealed.

Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment.

A

BILL

INTITULED

An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853.

(*Brought from the Lords* 26 *May* 1856.)

Ordered, by The House of Commons, *to be Printed,*
30 *May* 1856.

[Bill 156.]

Under 1 *oz.*

3 *April* 1856. 19 Vict.

A

BILL

TO

Abolish all Distinctions between Specialty and Simple Contract Debts.

Preamble.

WHEREAS it is expedient to abolish all Distinctions between Specialty and Simple Contract Debts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Debts by Specialty not entitled to Priority in the Administration of the Estates of deceased Persons.

I. In the Administration of the Estates of Persons who shall die on and after the *First Day of January One thousand eight hundred and fifty-seven*, no Debt or Liability of any such Person shall be entitled to Priority by reason merely that the same is secured by or arises under a Bond, Deed, or other Instrument under Seal, or that the same is for Rent, or that the Creditor has recovered a Judgment at Law or an Order of a Court of Equity for the Payment or Satisfaction thereof: Provided always, that this Act shall not prejudice or affect any Lien or Charge to which any Judgment or other Creditor shall be entitled by virtue of the Judgment or otherwise upon the Land of the Debtor, or the Right of Distress of any Landlord for the Recovery of any Rent, or any other Security which any Creditor may hold for the Payment of his Debt.

II. All

Actions upon Specialties to be brought within Six Years.

See 3&4 W. 4. c. 42. s. 3.

II. All Actions of Debt for Rent upon any Indenture of Demise, all Actions of Covenant or Debt upon any Bond or other Specialty, and all Actions of Debt or Scire facias upon any Recognizance which shall be sued or brought at any Time after the End of the present Session of Parliament, shall be commenced and sued within *Three* Years after the End of this present Session, or within *Six* Years after the Cause of such Actions or Suits, but not afterwards.

Act not to extend to Scotland.

III. This Act shall not extend to Scotland.

Specialty and Simple Contract Debts.

A

BILL

To abolish all Distinctions between Specialty and Simple Contract Debts.

(Prepared and brought in by
Mr. Malins and Mr. Lloyd Davies.)

Ordered, by The House of Commons, *to be Printed,*
3 *April* 1856.

[Bill 83.]

Under 1 *oz.*

21 *April* 1856.   19 VICT.

(Ireland.)

A

BILL

TO

Amend the Laws relating to the Sale of Wine, Spirits, Beer, Cider, and Perry by Retail in Ireland.

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal the several Duties payable on Excise "Licences in Great Britain and Ireland, and to impose other Duties "in lieu thereof, and to amend the Law for granting Excise Licences;" and a certain other Act was passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to the Sale of Wine, Spirits, "Beer, and Cider by Retail in Ireland;" and a certain other Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act "passed in the Third and Fourth Years of the Reign of His late "Majesty King William the Fourth;" and a certain other Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend certain Regu-"lations respecting the Retail of Spirits in Ireland;" and a certain other Act was passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend "the Preamble.

" the Laws for the better Prevention of the Sale of Spirits by " unlicensed Persons, and for the Suppression of illicit Distillation in " Ireland:" And whereas it is expedient to alter and amend the said recited Acts in certain Particulars, and to make other Regulations in respect of the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Parts of former Acts.
18 & 19 Vict. c. 118. s. 2.

I. From and after the *Commencement of this Act*, the several Parts of Acts set forth in the Schedule to this Act annexed, and to the Extent to which such Parts of Acts are by such Schedule expressed to be repealed, are hereby repealed.

Retailers prohibited from opening Houses for Sale of Beer, &c. during certain Hours of Sunday, &c.

18 & 19 Vict. c. 118. s. 3., 3 & 4 W. 4. c. 68. ss. 14. & 15., 6 & 7 W. 4. c. 38. ss. 4., 5., & 6.

II. It shall not be lawful for any Person licensed to sell Beer or Cider, Spirits or Wine by Retail, to be drunk or consumed on the Premises, or not to be drunk on the Premises, in any Part of Ireland, without the Permission or Authority in that Behalf herein-after provided, to open or keep open his House or Place of Sale for the Sale of or to sell Beer, Wine, Spirits, or any other fermented or distilled Liquor, at any Time between the Hours of *Twelve* o'Clock at Night and *Five* o'Clock in the Morning of any Day in the Week, nor before *Two* o'Clock in the Afternoon or after *Eleven* o'Clock in the Afternoon on Sunday, or on Christmas Day or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, or before *Five* o'Clock in the Morning of the Day following such Sunday, Christmas Day, Good Friday, or such Day of Public Fast or Thanksgiving, except to a Traveller or Lodger therein; but such Person may open or keep open his House or Place of Sale for the Purposes aforesaid at all other Times: Provided always, that it shall and may be lawful to and for the Commissioners of Police for and of the Police District of Dublin Metropolis, in their such District, and to and for any Two or more Justices of the Peace for and of any and every County, City, Town, and Place, in Petty Sessions assembled, in and for such County and Town or Place, by Writing under their Hands, to authorize any Person or Persons, licensed as aforesaid, to open or keep open his House or Place of Sale for the Sale of and to sell Beer, Wine, Spirits, or any other fermented or distilled Liquor during the said prohibited Hours or any Part thereof.

Constable to be permitted to enter licensed Pre-

III. It shall be lawful for any Constable at any Time to enter into any House or Place of public Resort in Ireland for the Sale of Beer, Wine, Spirits, or other fermented or distilled Liquor or Liquors, and every Person who shall refuse to admit or shall not admit such Constable into such House or Place shall be deemed guilty of an Offence against this Act.

mises at any Time. 18 & 19 Vict. c. 118. s. 4.

Every Person forging or making use of a forged Certificate to obtain a Licence, to forfeit 50*l.* Upon Conviction Licence to be withdrawn.

IV. Every Person who shall, for the Purpose of obtaining for himself or enabling any other Person to obtain a Licence to retail Spirits, Wine, or Beer or Cider, forge or counterfeit any Certificate, or shall produce or make use of any Certificate, knowing the same to be forged or counterfeit, or the Matters certified therein, or any of them, to be false, shall forfeit *Fifty Pounds;* and any Licence for the Retail of Spirits, Wine, Beer, or Cider obtained by any Person on any such forged, counterfeit, or false Certificate shall, on the Conviction of such Person, be void to all Intents and Purposes, and shall be so adjudged; and every Person, who shall be convicted of any of the said Offences shall be disqualified from obtaining any Licence under the said recited Acts to retail Spirits, Wine, Beer, or Cider, either to be drunk and consumed on the Premises or off the Premises.

Any Officer of Excise may grant a Renewal of any Licence upon the Certificate of Justices. 3 & 4 W. 4. c. 68. s. 1., 6 & 7 W. 4. c. 38. s. 1., 17 & 18 Vict. c. 89. s. 11.

V. From and after the *Commencement of this Act* it shall be lawful for any Officer of Excise in Ireland to grant a Renewal of any Excise Licence under or by the Authority of any Act or Acts for the Sale of Wine, Spirits, Beer, Ale, Cider, or Perry by Retail in Ireland, to be drunk and consumed on the Premises or elsewhere, to any Person applying for such Renewal, at and for the same House as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, upon the Production of a Certificate signed by Two or more Justices of the Peace presiding at the Petty Sessions of the District in which such Person resides, or, if in the Dublin Metropolitan District, by a Divisional Justice of the District in which such Person resides, to the good Character of the Applicant, and the peaceable and orderly Manner in which such House had been conducted in the past Year, without requiring the Production of any Certificate signed by Six Householders, or from any Chief Constable of the Constabulary Force, or any Overseers for the Parish in which such House is situate, or any other Person or Persons whomsoever.

Persons obtaining Licences shall enter their Names with the Clerk of the Peace. 3 & 4 W. 4. c. 68. s. 10.

VI. Every Person who shall obtain any such Licence as aforesaid shall within *Six* Days next after he shall have obtained such Licence deliver or cause to be delivered to the Clerk of the Peace for the County, City, or Town within which the House specified in such Licence shall be situate, a Note in Writing under the Hand of such Person, or under the Hand of some Person by him authorized in that Behalf, in which shall be specified, set forth, and inserted the Christian and Surname and Place of Abode of such Person, and a Description of the House and Premises in which Spirits, Beer, or Cider are licensed to be sold by such Person, and the Place where such House and Premises shall be situate; and if any Person who shall have obtained such Licence as aforesaid shall not, within the Time and in the Manner herein-before directed, deliver or cause to be delivered such Note in Writing as aforesaid, every such Person shall forfeit and pay the Sum of *Ten Pounds:* Provided always, that no such Note in Writing as aforesaid shall be necessary or required to be delivered to the Clerk of the Peace upon obtaining any Renewal of any such Licence as aforesaid.

Register of Licences to be kept by Clerk of the Peace.

VII. A List or Register of every such Licence as aforesaid, specifying the Name and Place of Abode of every Person licensed, and the Description and Situation of the House or Place mentioned in such Licence, shall be kept at the Office of the Clerk of the Peace for the County, County of a City, or County of a Town, as the Case may be, which List or Register shall at all reasonable Times be produced to and open to the Inspection and Perusal of any Magistrate within whose Jurisdiction the House or Place specified in each Licence respectively shall be situate; and any Copy of or Extract from any such List or Register which shall or may be at any Time required by any such Magistrate as aforesaid shall be given to him by such Clerk of the Peace.

Punishment of Offenders.

VIII. Every Person who shall offend against this Act shall be liable, upon summary Conviction for the same before any Justice of the Peace for the County, Riding, Division, City, Borough, or Place where the Offence shall be committed, to a Penalty not exceeding *Two Pounds* for every such Offence; and every separate Sale shall be deemed a separate Offence.

SCHEDULE.

Parts of Acts to be repealed.

Date of Act.	Title of Act.	Extent of Repeal.
3 & 4 W. 4. c. 68. -	An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in Ireland.	Section 1. except the Preamble, and the Entire of Sections 10., 11., 12., 14., 15., 16., 17., 18.
6 & 7 W. 4. c. 38. -	An Act to amend an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled "An Act to amend " the Laws relating to Excise Licences, and to the " Sale of Wine, Spirits, " Beer, and Cider by Retail in Ireland."	Section 1. except the Preamble, and the Entire of Section 4. and Section 6., except so far as it relates to a Booth or Tent at any lawful or accustomed Fair or any public Races.
8 & 9 Vict. c. 64. -	An Act to amend certain Regulations respecting the Retail of Spirits in Ireland.	Section 2.
17 & 18 Vict. c. 89. -	An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation in Ireland.	Section 11.

Spirit Trade (Ireland).

A

B I L L

To amend the Laws relating to the Sale of Wine, Spirits, Beer, Cider, and Perry by Retail in Ireland.

(Prepared and brought in by
Mr. Brady, Mr. Henry Berkeley, and
Mr. Patrick O'Brien.)

Ordered, by The House of Commons, *to be Printed*,
21 *April* 1856.

[Bill 103.]

Under 1 *oz.*

10 *July* 1856. 19 & 20 Vict.

A

BILL

TO

Reduce the Stamp Duties on certain Instruments of Proxy; and to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others.

Preamble.

WHEREAS it is expedient to reduce the Stamp Duties on certain Instruments of Proxy, and to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stamp Duties on certain Proxies and Mandates repealed, and new Duties granted in lieu.

I. From and after the *passing of this Act*, in lieu of the Stamp Duties now payable on the several Instruments of Proxy herein-after described, there shall be charged and paid the Duties following; that is to say,

For and in respect of every Letter or Power of Attorney, and every Commission, Factory, Mandate, or other Instrument in the Nature thereof, made for the sole Purpose of appointing or nominating a Proxy to vote at any Meeting within any Part of the United Kingdom of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or

Funds are divided into Shares, and transferable, or made for the Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy, Commissioner, Mandatory, or otherwise, at any Parish Meeting of Heritors or Proprietors of Real or Heritable Property in Scotland, the Stamp Duty of *Sixpence.*

Provisions of 7 Vict. c. 21. s. 6. and other Stamp Acts to be applied to the new Duties.

II. The Provision contained in Section Six of the Act passed in the Seventh Year of Her Majesty's Reign, Chapter Twenty-one, relating to Instruments for appointing Proxies, thereby charged with a certain Stamp Duty, and also, so far as the same shall be applicable, and shall not be inconsistent with such Provision, all other Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description, shall, for and in the raising, levying, collecting, and securing of the Duties hereby granted, and otherwise in relation thereto respectively, have full Effect, and be observed, applied, allowed, enforced, and put in execution with respect to the last-mentioned Duties, and to the Vellum, Parchment, and Paper, Matters and Things, charged and chargeable therewith, and to the Persons signing, or voting or acting, or attempting to vote or act, under any such Instrument, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated, and specially enacted with reference to the Duties hereby granted, and the Instruments charged or chargeable therewith.

The Treasury may authorize Articles to be stamped on the Terms stated.

7 G. 4. c. 44. s. 4.

III. And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, Chapter Forty-four, it is enacted, that it shall not be lawful for the Commissioners of Stamps or any of their Officers to stamp, under any Pretence whatever, after the Expiration of Six Months from the Date thereof, any Vellum, Parchment, or Paper upon which shall be engrossed, printed, or written any Articles of Clerkship, Contract, Indenture, or other Instrument, whereby any Person shall become bound to serve as a Clerk or Apprentice, in order to his Admission as a Solicitor, Attorney, Proctor, Writer to the Signet, Agent, or Procurator in any of the Courts of Law or Equity, or the High Court of Admiralty, or any Ecclesiastical Court, or the Courts of Session, Justiciary, Exchequer, Commission of Teinds, or the Commissary Court, or any Inferior Court in Great Britain: Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue, notwithstanding the said last-mentioned Act, in any Case where they shall be directed so to do by the Lords Commissioners of Her Majesty's Treasury, to stamp any such Instruments as last mentioned, upon Payment of the Duty chargeable thereon at the Date thereof, and of such further Sum as herein-after specified by way of Penalty, and in lieu of all other Penalties; that is to say, As to any such Instrument bearing Date and executed before the Fifth Day of August One thousand eight hundred and fifty-three, the Sum of *Twenty Pounds :*

As to any other such Instrument where the same shall be brought to be stamped within the Period of One Year from the Date thereof, the Sum of *Ten Pounds :*

After One Year and within Two Years, *Twenty Pounds :*

After Two Years and within Three Years, *Thirty Pounds :*

After Three Years and within Four Years, *Forty Pounds :*

And after Four Years, *Fifty Pounds.*

Stamp Duties.

A

BILL

To reduce the Stamp Duties on certain Instruments of Proxy; and to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others.

(*Prepared and brought in by*
The Chancellor of the Exchequer and
Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1856.

[Bill 242.]

Under 1 *oz.*

11 *June* 1856. 19 Vict.

A

BILL

TO

Continue the Act for the Exemption of Stock in Trade from Rating.

Preamble.

3 & 4 Vict. c. 89.

WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled "An Act to exempt "until the Thirty-first Day of December One thousand "eight hundred and forty-one Inhabitants of Parishes, Townships, "and Villages from Liability to be rated as such in respect of Stock "in Trade or other Property to the Relief of the Poor:" And whereas the said Act has been since continued by sundry Acts until the First day of October in the Year One thousand eight hundred and fifty-six; and it is expedient that the said Act should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall continue in force until the *First Day of October in the Year One thousand eight hundred and fifty-nine, and to the End of the then next Session of Parliament.*

Recited Act further continued.

Stock in Trade Exemption.

A

B I L L

To continue the Act for the Exemption of Stock in Trade from Rating.

(*Prepared and brought in by*
Mr. Bouverie and Mr. Grey.)

Ordered, by The House of Commons, *to be Printed,*
11 *June* 1856.

[Bill 172.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital in the County of Bucks, with certain Alterations.

Preamble. 3d Report, 28th Feb. 1856.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of the Lord Hastings of Loughborough, founded in Stoke Poges in the County of Bucks, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The Scheme set out in the Schedule to this Act shall be established and take effect.

Stoke Poges Hospital.

SCHEDULE.

Scheme.

The corporation dissolved.

1. The existing incorporation of the hospital by the name of "The Master, Brethren, and Sisters of the Hospital of Stoke Poges, in the County of Bucks," or by any other name, shall be dissolved, and the Charity be henceforth regulated and managed according to the provisions of this scheme, all former statutes and provisions for the regulation or government thereof being repealed, and the visitatorial power of the Dean of Windsor and the Provost of Eton College, for the time being, shall absolutely cease and determine.

Appointment of trustees.

2. The Charity and its property shall be under the regulation and management of ten trustees, to be called "The Trustees of Lord Hastings' Hospital of Stoke Poges, in the County of Bucks," of whom the dean of Windsor, the provost of Eton College, and the vicar, unless he be master, and two churchwardens of the parish of Stoke Poges, for the time being, shall, by virtue of their respective offices, always be five, and shall be called the official trustees, and the five other trustees shall be persons resident within ten miles from the parish church of Stoke Poges, and shall be called the non-official trustees, and that the following persons shall be the first non-official trustees, namely, the Right Honourable George Augustus Frederick Louis Curzon, commonly called the Viscount Curzon, the Right Honourable Henry Labouchere, of Stoke Park, in the county of Berks, Abraham Darby, of Stoke Court, in the same county, Esquire, Lieutenant Colonel Richard Howard Vyse, of Stoke Place, in the same county, and the Reverend John Culling Evans, of Stoke Poges, in the said county of Bucks, Clerk.

Succession of trustees.

3. The death, resignation, bankruptcy, or insolvency of any non-official trustee, or his ceasing to reside within ten miles from the parish church of Stoke Poges, or his refusal or incapacity or neglect for a period of two consecutive years to act as a trustee, shall create a vacancy of his office, and as soon as conveniently may be thereafter the remaining trustees, official and non-official, at a regular meeting of their body, shall nominate some fit person resident within ten miles from the parish church of Stoke Poges to fill such vacancy, and such nomination shall be forthwith certified to the Charity Commissioners for England and Wales for their confirmation, and being confirmed by their order shall constitute a complete appointment of such new trustee, and in the mean time the surviving or continuing trustees shall be competent to act.

Estate vested in trustees.

4. All the real estate and rights and privileges of the Charity, subject to the subsisting leases, tenancies, and charges (if any) thereof, and the full benefit of all reservations, covenants, conditions, and securities made or reserved to the said master, brethren, and sisters, and a right to recover, sue upon, and enforce the same respectively, and all the personal estate belonging to the Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall immediately become vested and shall from time to time remain vested in the trustees thereof for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance, and all contracts and liabilities of the said master, brethren, and sisters before their dissolution shall be enforceable against the trustees of the Charity for the time being to the extent of the property or assets thereof, but not against the private estates of such trustees.

5. The hospital and all houses and buildings belonging to the Charity, which the lessees or tenants thereof shall not for the time being be bound to keep repaired and insured against fire, shall be kept in repair and insured by the trustees out of the income of the Charity.

Houses and buildings to be kept repaired and insured.

6. The trustees shall have the whole management of the Charity estates, and shall let the same, with the exception of the hospital and the buildings, gardens, and appurtenances annexed thereto, and such lands and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same; and no lease of the Charity property shall be granted in reversion after any subsisting term of which more than three years shall be unexpired, or for any life or lives, or for any longer term than twenty-one years from the date thereof, or in consideration of any fine or premium, without the authority of the Board of Charity Commissioners for England and Wales; and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the houses and buildings (if any), or for the due cultivation of the land or management of the property comprised therein, as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on nonpayment of the reserved rent or nonperformance of the covenants therein contained.

Trustees to let and manage the property.

7. Leases and other deeds and instruments for the letting or disposition of the Charity Estate executed or made by any three of the trustees for the time being, on behalf and as the act of the whole of them, according to any order of the trustees, made at a regular meeting of their body, shall be as effectual as if executed and made by all the trustees, and the recital of any such order contained in any such lease, deed, or instrument, shall be primâ facie evidence thereof upon any proceedings to which the parties to the same lease, deed, or instrument, or their respective successors in title, shall be parties or a party.

Leases and other instruments may be executed by any three of the trustees.

8. No trustee shall become a tenant or occupier of, or beneficially interested in the Charity Estate, or any part thereof, except with the approbation of the Charity Commissioners for England and Wales, and no trustee shall become master or officer of the charity: Provided always, that the vicar may be appointed master of the said hospital, but shall thereupon cease to be a trustee.

No trustee to hold charity property.

9. All stock held in trust for the Charity, or for any members or objects thereof, shall be transferred to the official trustees of Charitable Funds, by whom the dividends thereon shall be remitted from time to time to the acting trustees of the Charity upon the receipt of any one or more of them, in order to be applied upon the subsisting trusts thereof.

Stock to be transferred to official trustees.

10. The trustees, if they shall find it necessary, may from time to time appoint or employ any fit person as their clerk and receiver, but during their pleasure only, and may pay or allow to him a remuneration for his services not exceeding 10*l.* per annum.

Clerk and receiver.

11. The duties of the clerk and receiver shall be to deliver or send notices of meetings to the trustees, to attend them at their meetings, to enter minutes of their proceedings thereat, to collect and receive the rents and income, and to keep the accounts of the charity, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the charity, to make out

Duties of clerk and receiver.

annually detailed accounts of all receipts and payments in respect thereof, and of its assets and liabilities, or to perform all such of these duties and all such other duties in respect of the charity, as the trustees shall direct.

Notice of meetings.

12. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the post at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.

General meetings of trustees.

13. The trustees shall hold not less than two general meetings in each year for transacting the business of the Charity, namely, on the second Thursday after Lady Day and Michaelmas Day respectively, or at such other times within thirty days next after any of the said half-yearly days respectively as the trustees at any previous meeting or meetings of their body shall have appointed for that purpose. All meetings shall be held in the hospital, or in some convenient place in the parish of Stoke Poges or its vicinity, to be determined from time to time by the trustees.

Special meetings.

14. Any two or more trustees may call a special meeting, and notice in writing shall be delivered or sent as aforesaid to each trustee of the time, place, and object of such meeting, and no business shall be transacted at any special meeting not specified or sufficiently indicated in the notice.

Quorum of trustees at meetings.

Majority of votes to be binding.

15. Three trustees shall form a quorum at any meeting, and as soon after the time fixed for holding the same as a sufficient number of trustees shall be present to form a quorum they shall proceed to elect a chairman from amongst themselves, and in the event of an equality of votes on the election of chairman the choice between the persons proposed shall be determined by lot. The acts of a majority of trustees present at any meeting shall be binding on all, but may be revoked or altered by the trustees, or a majority of trustees, present at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Adjournment of meetings.

16. If after the lapse of one hour from the time appointed for holding any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees, or any one or more of them present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned by a resolution thereof.

Entries and minutes of proceedings and their operation in particular cases, as primâ facie evidence.

17. The trustees shall provide a minute book, wherein shall be entered the names of all trustees of the Charity, together with the time and manner of their respectively becoming and ceasing to be trustees, and there shall also be entered therein the names of the trustees attending each meeting, and minutes of all their acts and proceedings relating to the Charity. The minutes shall be signed by the chairman of the meeting, and shall be admitted for all purposes as primâ facie evidence of the matters recorded therein.

Accounts.

18. The trustees shall provide proper account books, wherein shall be regularly entered and kept accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct. The accounts for each year shall be made up to the same day of every year, to be appointed for that purpose by the trustees, and shall be examined, vouched, and audited at the first general meeting of the trustees to be held thereafter, and shall be signed by the chairman and, at least, one other trustee present at such meeting.

19. All cheques and orders for the payment of money shall be signed by the chairman of a meeting of the trustees and, at least, two other trustees present thereat, and shall be countersigned by the person (if any) filling the office or discharging the duties of clerk. Cheques, &c.

20. The trustees shall provide and keep a box or safe, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, or such of them as shall not be deposited with the said Charity Commissioners for safe custody, under the provisions of "The Charitable Trusts Act, 1853," and the contents of such box or safe shall be examined by the trustees at least once in each year, and the same shall be kept locked, and the key thereof kept by such person, and subject to such regulations as the trustees shall appoint for that purpose. Custody of documents.

21. The establishment of the hospital shall consist of not less than five poor inmates, and the number of inmates shall from time to time be increased by the trustees, if and as and when the clear income of the Charity for the time being applicable to the benefit of the inmates shall be sufficient to provide the clear sum of seven shillings per week for the benefit of each of them, and other circumstances shall in the judgment of the trustees render such measure expedient. Establishment of hospital until the abolition of mastership.

22. The master shall be a clergyman of the Church of England, and the Reverend John Alexander Gower, the present master, shall continue to be the master. Each master shall hold his office subject to and in accordance with the provisions of this scheme. Master.

23. The right of appointing the master upon any vacancy shall belong to the person or persons in whom the right of appointing the master of the hospital would have been legally vested derivatively from Lord Hastings of Loughborough, the founder of the Charity, if the incorporation thereof had not been dissolved. Right of appointing master.

24. The master shall read prayers from the Book of Common Prayer, by himself or his deputy approved by the trustees, in the chapel every morning to the poor brethren and sisters, subject to the provisions in that behalf herein-after contained, and shall, subject to the general direction of the trustees, have the superintendence, care, management, and control of the poor inmates of the hospital. The present master shall be entitled to the occupation and enjoyment of the residence in the hospital, now appropriated to him, with the garden and appurtenances, rent-free, except such parts of the buildings and premises as have been at any time heretofore used or enjoyed by any poor inmates of the hospital, and as the trustees shall think it expedient to re-appropriate to the same purposes, and all future masters shall be entitled to the occupation and enjoyment of the same residence and premises, or so much thereof as the trustees shall not think it expedient to appropriate to the poor inmates, or to any general purposes of the charity. Duties of master.

25. The master shall not absent himself from the hospital for any longer period than three calendar months in any year without the permission in writing of the trustees: Provided always, that if the vicar of the parish be master, his residence in the vicarage house shall be considered residence for the purposes of this Act, and he may, with the written consent of the trustees, allow the licensed curate of the parish to reside in the master's house, or may, with the same consent, let the house for the benefit of the trust. Power for master to let his residence, with consent of trustees.

Removal of master.

26. The trustees, with the authority of the Charity Commissioners for England and Wales, may remove any master from his office for neglect of duty, incompetence, or other sufficient cause.

Inmates.

27. The present five poor brethren shall continue to be inmates of the hospital, subject to and in accordance with the provisions of this scheme, and all future inmates shall be nominated by the master, subject to the approval of the trustees.

Qualification of inmates.

28. The hospital having been originally founded for four brethren and two sisters, the same proportion between the numbers of male and female inmates shall as nearly as conveniently may be from time to time be preserved, and the inmates at the time of their appointment shall be poor impotent or disabled persons of good character, single (whether having been previously married or not), not less than fifty years of age, natives of or resident for the time being in the parish of Stoke Poges, and who shall not at any time within twelve calendar months next preceding their appointment have been in receipt of parochial relief: Provided always, that if any poor brother or sister shall intermarry with any person whomsoever, the place of him or her so marrying shall be deemed to have become vacant, as if he or she were dead.

Rooms.

29. Each inmate shall have the use and occupation of a separate room in the hospital rent-free, to be assigned to him or her by the trustees, and the use in common with the other inmates of the kitchen, scullery, and garden now used by the inmates, subject to such rules and regulations as may be prescribed from time to time by the trustees.

Inmates to reside and not to let their rooms.

30. The inmates shall respectively reside in the hospital, and shall not absent themselves therefrom without the permission of a trustee, and no inmate shall let or part with the possession of his or her room in the hospital.

Power to remove the inmates.

31. It shall be lawful to the trustees to remove any of the inmates for immorality, drunkenness, or quarrelsome behaviour, or for the breach of any of the rules or regulations contained in this scheme, or to be prescribed by the trustees by virtue hereof, or for any other cause which in the judgment of the trustees shall justify such removal.

Allowances to master and inmates.

32. The clear annual rents and income of the Charity which shall remain after providing for the expenses of management, repairs, and insurance, and other necessary outgoings, shall be divided by the trustees into so many equal parts as there are or shall be poor inmates of the hospital for the time being in addition to the master, and one of such parts shall be paid by them to the master in equal half-yearly payments, and the remainder shall be applied by them for the benefit of the inmates in equal shares, either in money payments, or in food, fuel, clothing, or other necessary articles in kind, or partly in money payments and partly in kind, at such periods and in such manner as the trustees shall consider expedient.

Power to employ medical practitioner.

33. The trustees may, if they think fit, from time to time employ a medical practitioner to give all proper medical attendance to the poor inmates, and to supply them with proper medicines and appliances in their sickness or need, and may pay to him therefor any reasonable salary or compensation out of those parts of the clear yearly income of the Charity otherwise applicable distributively for the benefit of such poor inmates.

34. Upon or at any time after the first avoidance of the mastership, or with the consent in writing of the present master during the period of his holding office, the trustees shall have power, with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age, and with the approbation of the Charity Commissioners for England and Wales, to sell the present hospital buildings, and the gardens and ground annexed thereto, or any part of the premises with the appurtenances, and to apply the produce of such sale to the erection and establishment of a new hospital upon some site in the parish of Stoke Poges or its immediate vicinity, to be also bought, if necessary, out of such purchase money, for the reception of the master and poor inmates, or of such inmates solely, as the case may require, and any surplus of such purchase money shall be invested by the trustees in the purchase of real estate, with the approval of the said Charity Commissioners, when any such convenient purchase shall be found, and in the meantime in the public funds, and the rents, dividends, and income arising from such real estate or funds respectively shall be applicable as the other yearly income of the Charity.

Power to sell Charity property.

35. This scheme shall be printed, and a copy delivered to every person who shall become a trustee or master of the Charity.

Scheme to be printed.

36. A copy of this scheme shall be kept with the books of account and other documents belonging to the Charity, and every parishioner of Stoke Poges, and other person interested in the Charity, shall be at liberty to take copies of the scheme or any part thereof (upon making an application for that purpose to the trustees) at such times, and subject to such reasonable conditions, as may be prescribed by the trustees.

Copies of scheme may be taken.

37. If any doubt or question shall arise amongst the trustees as to the construction or proper application of any of the provisions of this scheme, or the management of the Charity, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the trustees.

Doubts and disputes to be decided by the Charity Commissioners.

Stoke Poges Hospital.

A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital in the County of Bucks.

(*Brought from the Lords* 17 *July* 185 .)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1856.

[Bill 255.]

Under 1 *oz.*

Summary Jurisdiction Bill.

Subject Matter.	Acts wholly repealed.	Acts repealed in part.
Assault	- - - -	9 Geo. 4. c. 31. ss. 26. 27. 28. 29. 33. 34. 35. 36.
„ on Seamen	- - - -	5 & 6 W. 4. c. 19. s. 38.
„ aggravated	- - - -	16 Vict. c. 30. s. 1.
Animals, Cruelty to	17 & 18 Vict. c. 60.	—
„ Impounding	- - - -	12 & 13 Vict. c. 92. ss. 2. 3. 4. 5. 6.
Distress	1 & 2 P. & M. c. 12.	—
„ Rescuing Cattle (inclosed Land)	6 & 7 Vict. c. 30.	—
Dog-stealing	8 & 9 Vict. c. 47.	—
Drunkenness	1 Jac. 1. c. 7.	—
Fireworks	9 & 10 W. 3. c. 7.	—
Hawkers and Pedlars	5 G. 4. c. 83.	—
Highway Offences	- - - -	5 & 6 W. 4. c. 50. ss. 55. 56. 57. 65. 66. 67. 71. 72. 76. 77. 78. 79.
Highway—Turnpike—Offences	- - - -	3 G. 4. c. 126. s. 121. 4 G. 4. c. 95. ss. 15. 73.
Landlord and Tenant	1 & 2 Vict. c. 74.	—
Larceny, Petty	- - - -	7 & 8 G. 4. c. 29. ss. 19. 20. 26. 27. 28. 29. 30. 33. 34. 35. 38. 39. 40. 41. 42. 43. 67. 68. 69. 70. 71. 72. 73. 74.
Malicious Injury	- - - -	7 & 8 G. 4. c. 30. ss. 20. 21. 23. 24. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40.
Masters and Servants	32 G. 3. c. 56.	20 G. 2. c. 19. ss. 1. 2. 5. 6. 4 G. 4. c. 34. ss. 3. 4. 5.
Sunday Travelling	29 Car. 2. c. 7.	—
„ unlawful Sports	1 Car. 1.	—
Swearing	19 G. 2. c. 21.	—
Vagrants	5 G. 4. c. 83. 1 & 2 Vict. c. 38.	— —

Acts repealed wholly or in part.

1 & 2 P. & M.
21 Jac. 1. c. 12.
1 Car. 1.
29 Car. 2. c. 7. s. 1.
9 & 10 W. 3. c. 7.
19 G. 2. c. 21.
20 G. 2. c. 19. ss. 1. 2. 5. 6.
29 G. 2. c. 6.
3 G. 3. c. 126. s. 121.
32 G. 3. c. 56.
4 G. 4. c. 34. ss. 3. 4. 5.
4 G. 4. c. 95. ss. 15. 73.
5 G. 4. c. 83.
7 & 8 G. 4. c. 29. ss. 19. 20. 26. 27. 28. 29. 30. 33. 34. 35. 38. 39. 40. 41. 42. 43. 67. 68. 69. 70. 71. 72. 73. 74.
7 & 8 G. 4. c. 30. ss. 20. 21. 22. 23. 24. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40.
9 G. 4. c. 31. ss. 26. 27. 28. 29. 33. 34. 35. 36.
5 & 6 W. 4. c. 19. s. 38.
5 & 6 W. 4. c. 50. ss. 55. 56. 57. 65. 66. 67. 71. 72. 76. 77. 78. 79.
1 & 2 Vict. c. 38.
1 & 2 Vict. c. 74.
6 & 7 Vict. c. 30.
8 & 9 Vict. c. 47.
12 & 13 Vict. c. 92. ss. 2. 3. 4. 5. 6.
16 Vict. c. 30. s. 1.
17 & 18 Vict. c. 60.

ARRANGEMENT OF CLAUSES.

FIRST CLASS OF OFFENCES.

First Offence, not exceeding Twenty Shillings, or Imprisonment not exceeding Fourteen Days.

Subsequent Offence, not exceeding Forty Shillings, or Imprisonment not exceeding One Calendar Month.

Section.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
IV.	1	Drunk and disorderly Persons - -	21 Jac. 1. c. 7. 2 & 3 Vict. c. 47. s. 58.
	2	Wilfully causing Disturbance - -	Common Law.
	3	Wilful Annoyance to Inmates of Houses -	2 & 3 Vict. c. 47. s. 54.
	4	Annoyance by playing upon Musical Instruments.	Ditto.
	5	Selling Fireworks in any House in a Street.	9 & 10 W. 3. c. 7. s. 2.
	6	Trespass upon Premises, and refusing to leave.	14 & 15 Vict. c. 92. s. 8.
	7	„ Repetition of, after Warning -	Ditto.
		„ not to extend to certain Cases of „ nor to prevent Right of Civil Action.	Ditto, and 7 & 8 G. 4. c. 29. s. 24.

SECOND CLASS OF OFFENCES.

First Offence, not exceeding Forty Shillings, or Imprisonment not exceeding One Calendar Month.

Subsequent Offence, not exceeding Five Pounds, or Imprisonment not exceeding Three Calendar Months.

Section.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
V.	1	Extinguishing public or private Lamps -	2 & 3 Vict. c. 47. s. 54.
	2	Affixing Posting Bills upon Buildings -	Ditto.
	3	Suffering ferocious Animals to be at large	Ditto.
		„ Bulls or vicious Animals to be in Fields though which a Public Right of Way.	
	4	Turning Cattle into Mowing Grass, Corn, &c.	14 & 15 Vict. c. 92. s. 20.
	5	Using Dogs for the Purposes of Draught -	17 & 18 Vict. c. 60. s. 2.

THIRD CLASS OF OFFENCES.

First Offence, not exceeding Five Pounds, or Imprisonment not exceeding Three Calendar Months.

Subsequent Offence, not exceeding Ten Pounds, or Imprisonment not exceeding Six Calendar Months.

Section.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
VI.	1	Wilfully annoying Persons - -	Common Law.
	2	Using threatening Language - -	2 & 3 Vict. c. 47. s. 53.
	3	Committing Breach of the Peace - -	Common Law.
	4	Interrupting Constable in Execution of Duty.	1 & 2 W. 4. c. 76. s. 81.
	,,	Rescuing a Prisoner or Person in Custody from Constable, Sheriff's Officer, &c.	
	5	Constable neglecting his Duty - -	1 & 2 W. 4. c. 41. s. 11. 5 & 6 W. 4. c. 76. s. 80.
	6	Hawkers trading without Licence -	50 G. 3. c. 41. s. 17. 5 G. 4. c. 83. s. 3.
	7	Disturbing Religious Congregations -	31 G. 3. c. 33. s. 10. 52 G. 3. c. 155. s. 12.
	8	Exposing Persons with infectious Diseases.	
	9	Gaming in public Vehicles or upon Roads	5 G. 4. c. 83. s. 4.
	10	Pawnbrokers receiving Goods from Children under the Age of Sixteen Years.	39 & 40 G. 3. c. 99. s. 21.
	11	Unlawfully disposing or pawning the Goods of another.	39 & 40 G. 3. c. 99. s. 8.
	12	Cruelty to Animals - - - -	12 & 13 Vict. c. 92. ss. 3. 4.
		Places of public Resort.	
	13	Keeping Places for the fighting or worrying of Animals.	10 & 11 Vict. c. 89. s. 36. 12 & 13 Vict. c. 93. s. 3.
	,,	Justice may order Constable to enter such Premises.	
	14	Victuallers harbouring Constables -	10 & 11 Vict. c 89. s. 34.
	15	Keepers of Places of public Resort harbouring disorderly Persons.	10 & 11 Vict. c. 89. s. 35.
	16	Disorderly Persons refusing to quit a Public House when requested.	
		General Offences.	
	17	Disinterring dead Human Bodies -	Common Law.
	18	Disturbing Funerals - - -	Ditto.
	19	Neglecting to support Wife and Children -	5 G. 4. c. 83. s. 33.
	20	Mothers of Bastards refusing to maintain them.	7 & 8 Vict. c. 101. s. 6.
		Workhouses.	
	21	Injuring Property of Guardians.	
	22	Running away with Union Clothes -	55 G. 3. c. 137. s. 2. 7 & 8 Vict. c. 101. s. 58.
	23	Inmates of Workhouse refusing to work -	Ditto.

Workhouses

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Workhouses—continued.	
VI. *continued.*	24	Inmates destroying their own Clothes -	5 & 6 Vict. c. 57. s. 5.
	25	Persons receiving Workhouse Property in pawn.	55 G. 3. c. 137. s. 2.
	,,	Guardians and Overseers may stamp Articles provided by them.	Ditto.
		Railway Offences.	
	26	Engine Drivers and Railway Servants -	3 & 4 Vict. c. 97. s. 43. 5 & 6 Vict. c. 55. and Private Acts.
	27	Negligence of Railway Servants - -	
	28	Doing Acts whereby Life or Limb of Passengers may be endangered - -	
	29	Impeding Railway Servants - -	
	30	Assaulting Railway Servants - -	
	31	Trespassing upon any Railway - -	
	32	Passingon Line of Railway without Consent - - - - - -	
	33	Driving or depasturing Cattle on Railway	
	34	Travelling in Railway Carriage without paying proper Fare - - -	
	,,	Passengers refusing to quit Carriage -	
	35	,, forcing Way into Carriage -	
	,,	,, occupying a Superior Class to that for which Fare paid -	
	,,	,, to pay Fare in addition to Penalty - - -	
	36	Wilfully setting any Railway Carriage in motion - -	
	37	,, ,, any Engine in motion -	
	38	,, leaving any Carriage on Railroad	
	39	Neglecting Signals - - -	
	40	Altering Signals - - -	
	41	Wilfully damaging Railway Property -	
	42	Smoking or causing Annoyance - -	
	43	Discharging Missiles against Railway Engines and Carriages - - -	
	44	Wilfully obstructing Railway - -	
	45	Offences against Byelaws - -	
	,,	Offenders may be apprehended by Railway Servants - - -	
	,,	Justice of any Jurisdiction may commit Offender - - - - -	
		Offences on public Roads.	
	46	Riding on Footpaths - - -	
	47	Driving Carriage on Bridleway - -	
	48	Injuring Footpath - - -	
	49	Obstructing free Passage of Highway -	
	50	Using improper Implements to retard Carriages - - -	
	51	Suffering Timber to trail - - -	
	52	Hauling Timber, &c. on Road - -	

Section.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Offences on Public Roads—continued.	
VI. *continued.*	53	Things projecting from Sides of Carriages	3 G. 4. c. 126. s. 121. 4 G. 4. c. 95. ss. 15. 73. 5 & 6 W. 4. c. 50. ss. 55. 56. 57. 65. 66. 67. 71. 76. 77. 78. 79.
	54	Flying Kites	
	"	Making Slides	
	55	Swine wandering on Roads	
	56	Surveyor allowing Material to remain on Road at Night	
	57	Discharging Fireworks	
	58	" Stones and Missiles	
	59	Negligence in driving Cattle	
	60	Slaughtering Beasts on Road	
	61	Shoeing Horses	
	"	Repairing Carriages	
	62	Scalding Casks	
	63	Drying Flax, burning Weeds	
	64	Sawpits	
	65	Projecting Bars, &c.	
	66	Hawkers and Gipsies pitching Tents	
	67	Blacksmiths Shops	
	68	Leaving Carriages by Side of Road	
	69	Laying Stones Timber, &c. (except laying Litter in case of Sickness).	
	70	Neglecting to remove Materials	
	71	Carting Night-soil	
	72	Suffering Filth to flow on Road, or into Wells of Water and Ponds	
	73	Injury to Mounds by Swine or Cattle	
	74	Placing Clothes on Fences near Road	
	75	Turning Horses loose	
	76	Allowing Cattle to wander on Roads	
	77	Neglecting to scour Ditches	
	"	Obstructing Passage of Water	
	78	Deepening Ditches	
	"	Erecting Fences	
	"	Injuring Surface of Road	
		What shall be deemed the Centre	
	79	Casting Soil into Ditch to obstruct the Watercourse	
	"	Fouling Water at Drinking Place	
	80	Taking Materials or Scrapings of Road without Consent of Surveyor	
	81	Disturbing Toll-gate Keeper	
	82	Toll-gate Keepers being abusive	
	83	Damaging Turnpike Gates	
	84	Injuring Road, Fences, &c.	
	"	" Drains	
	"	" Surface of Road	
	"	" Posts, Rails, &c.	
	"	" Banks	
	"	" Bridges and Parapets	
	"	" Mile Stones, Direction Posts	
	"	" Toll Tables, &c.	

Offences

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Offences on Public Roads—continued.	
VI. *continued.*	85	Road Surveyor allowing Excavations to be made	
	86	Taking Materials to the Injury of Road	
	87	Exposing Things for Sale in Parks without Owner's Consent	
	88	Leaving Vaults, Cellar Doors, &c. insecurely fastened	
	89	Assaulting Engineers or Surveyors in the Execution of their Duty	14 & 15 Vict. c. 92. s. 9.
	„	Injuring Surveyor's Instruments	
	90	Using new Road for certain Time after making	
	„	Surveyor may require Owner or Occupier of Land to remove Obstructions and to prune Hedges or Trees injuring Road	3 G. 4. c. 126. s. 116. 117. 5 & 6 W. 4. c. 50. ss. 65. 66. 67. 14 & 15 Vict. c. 92. s. 9.
	„	Owners or Occupiers neglecting to comply, Surveyor may do it at their Expense	
		Public Carriages.	
	91	Carrying more than a certain Number	14 & 15 Vict. c. 92. s. 11.
	92	Luggage exceeding a certain Height	
	93	Omitting to paint the Number of Passengers to be conveyed	
	94	Drivers, Misconduct by	
	95	„ improperly leaving their Horses	
	„	„ allowing others to drive	
		Carts and Waggons.	
	96	Owners not having Names painted on	3 G. 4. c. 126. ss. 131. 132. 4 G. 4. c. 95. s. 15. 5 & 6 W. 4. c. 50. ss. 76. 77. 78. and 79. 14 & 15 Vict. c. 92. s. 12.
	97	Drivers taking charge of more than One Cart	
	98	„ riding on Cart	
	99	„ leaving their Cart	
	100	„ refusing to tell Owners Names	
	101	Using Carriage without Driver's Consent	
	102	Driver keeping wrong Side of Road	
	103	Riding with led Horse on Side next a Carriage	
	104	Obstructing Passage of any Person or Carriage	
	105	Driving furiously	
	„	„ negligently	
	106	„ by Children under Fourteen Years of Age	

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
VII.		*Special Provisions as to Proceedings for Road Offences.*	
	1	All Constables and Surveyors to take cognizance of Offences, and summons Offender.	14 & 15 Vict. c. 92. s. 14.
	2	Offender, if unknown, may be arrested -	5 & 6 W. 4. c. 50. s. 79. 14 & 15 Vict. c. 93. s. 12.
	„	„ Proceeding against, on not disclosing his Name -	
		„ Horses and Carriages of, may be detained - - -	
	3	Offences by Driver not being Owner, Penalty may be enforced against the Master.	4 G. 4. c. 95. s. 73.
	4	Justice may order Removal of Nuisance -	14 & 15 Vict. c. 92. s. 14.
	5	Compensation not exceeding Ten Pounds for Damage recoverable before Justices.	
	„	„ Owners may recover over against Drivers.	Ditto.
	6	Summons for the Driver of a Public Carriage may be served on Book-keeper at Office.	Ditto.

FOURTH CLASS OF OFFENCES.

First Offence, not exceeding Ten Pounds, or Imprisonment for Three Calendar Months.

Subsequent Offence, not exceeding Ten Pounds, or Imprisonment for Six Calendar Months.

Subject.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
VIII.	1	Assaults on Constables by Persons apprehended.	
	2	„ on Constables generally.	
	3	„ common - - -	9 G. 4. c. 31. s. 26.
	4	„ on Workmen, to prevent working.	
	5	„ with intent to obstruct the buying or selling of Food in any Market.	Ditto.
	6	„ on Seamen on board Merchant Ships.	5 & 6 W. 4. c. 19. s. 38.
	„	„ Justices in any Part of the Kingdom to have Jurisdiction	Ditto.
	„	„ when fit Subjects for Indictment, excluded from this Act -	9 G. 4. c. 31. s. 29.
	„	„ relating to Title to Land, excluded - - -	
	„	Justice may order Parties to enter into Recognizance to keep the Peace.	

Weights

Section.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated
		Weights and Measures.	
VIII. *continued.*	7	Selling otherwise than by Weight -	5 & 6 W. 4. c. 63.
	„	Neglecting or refusing to weigh.	
	„	Not having Weights in conspicuous Place.	
	„	False or defective Weights.	
	„	Coals.	
	„	Neglecting to send Delivery Ticket.	
	„	False Statement in Ticket.	
	„	Bread.	
	„	Articles of Consumption.	
	„	„ of Commerce sold by Weight or Measure.	
	„	Special Contracts excepted.	
		Adulterated Articles.	
	8	Offering unwholesome or fraudulently prepared Meat or Provisions for Sale.	14 & 15 Vict. c. 92. s. 7.
	„	Adulterated Articles may be seized.	
		Adulterated Drink.	
	9	Selling adulterated Drink.	
	„	Adulterated Drink may be seized.	
	„	The Employer of a Person offending may be proceeded against.	
		Petty Larceny and Malicious Injury.	
		Wilfully injuring or stealing, or damaging with intent to steal - - -	7 & 8 G. 4. c. 29. ss. 38. 39. 40. 42. 43. 7 & 8 G. 4. c. 30. ss. 20. 21. 22. 23.
	10	Trees and Vegetable Productions in enclosed Land or Houses - - -	
	11	Fences - - - -	
	12	Injuring Works of Art - - -	8 & 9 Vict. c. 44. s. 1. (Indictable Offences.)
	13	Wilfully damaging Property not before provided for.	7 & 8 G. 4. c. 30. s. 24.
	„	Under the Value of Ten Pounds.	
		Master and Servant.	
	14	Masters giving Servants false Characters -	32 G. 3. c. 56. s. 1.
	15	Falsely asserting Duration of Service -	32 G. 3. c. 56. s. 2.
	„	„ or Time of quitting Service	32 G. 3. c. 56. s. 3.
	16	Servant falsely pretending to have served, or hiring under false Certificate of Character.	Ditto.
	17	„ Wilfully concealing Fact of previous Service.	32 G. 3. c. 56. s. 5.

FIFTH CLASS OF OFFENCES.

Fine not exceeding Twenty Pounds, or Imprisonment not exceeding Six Calendar Months.

Section.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
IX.	1	Stealing or destroying Vegetable Productions in Pleasure Grounds or Conservatory - - - -	7 & 8 G. 4. c. 29. s. 42. 7 & 8 G. 4. c. 30. s. 21.
	2	Aggravated Assault on Females - -	16 Vict. c. 30. s. 1.
	3	Killing Pigeons - - -	7 & 8 G. 4. c. 29. s. 33.
	4	Stealing Dogs - - -	7 & 8 G. 4. c. 29. s. 31. 8 & 9 Vict. c. 47.
	5	,, having Possession of stolen Dogs or their Skins - -	7 & 8 G. 4. c. 29. s. 32. 8 & 9 Vict. c. 47.
	6	,, compounding Offence of -	Ditto.
	7	,, receiving Money to restore -	Ditto.
	8	Deer-stealing in inclosed Land - -	7 & 8 G. 4. c. 29. s. 26.
	9	,, for taking, by setting Engines -	7 & 8 G. 4. c. 29. s. 28.
	10	Hares from Warrens - - -	7 & 8 G. 4. c. 29. s. 30.
	11	Fish from private Water - - -	7 & 8 G. 4. c. 29. s. 34.
	12	Oysters from Beds - - -	7 & 8 G. 4. c. 29. s. 36.
	13	,, dredging for, within Limits of a Fishery.	Ditto.
	—	General Description of Fishery sufficient in Proceedings - - -	Ditto.
X.	—	Guns and Engines for taking Deer, &c. may be demanded and seized.	7 & 8 G. 4. c. 29. s. 29.
XI.	—	Unlawfully wounding Keeper - -	Ditto.
XII.	—	Indictment may be preferred - -	Ditto.
XIII.	—	Fishing Tackle of Anglers may be seized -	7 & 8 G. 4. c. 29. s. 35.
	—	Angler, on Seizure of his Tackle, to be exempt from Penalty.	Ditto.

SIXTH CLASS OF OFFENCES.

First Offence, Imprisonment not exceeding Three Calendar Months.

Subsequent Offence, Imprisonment not exceeding Six Calendar Months.

Section.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
XIV.	1	Disorderly Prostitutes - - - -	5 G. 4. c. 83. s. 3.
	2	Male Person indecently exposing himself with intent to insult any Female.	5 G. 4. c. 83. s. 4.
	3	Wilful or indecent Exposure of Person in public Places,	Common Law. Indictable.

Indecent

Subject.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
XIV. *continued.*	4	Indecent and immoral Publications -	2 & 3 Vict. c. 47. s. 54.
	5	Begging - - - - -	5 G. 4. c. 83. s. 3.
	6	Obtaining Charitable Contributions by false Pretences - -	5 G. 4. c. 83. s. 4.
	7	,, by Exposure of Wounds -	
	8	Fortune-telling and cheating - -	
	9	Persons without visible Means of Subsistence lodging in open Air - -	
	10	Suspected Thieves frequenting Places -	
	11	Persons having Housebreaking Implements - - -	
	12	,, found in enclosed Places for any unlawful Purpose - -	
XV.	—	Receivers of stolen Property punishable in same Manner as Principals.	7 & 8 G. 4. c. 29. s. 60.
XVI.	—	Larceny, after Two previous Summary Convictions.	12 Vict. c. 11. s. 3.
XVII.	—	In Indictment after previous Summary Convictions, what necessary to aver.	12 Vict. c. 11. s. 4.
XVIII.	—	Search Warrant for stolen Property -	7 & 8 G. 4. c. 29. ss. 41. 63. 14 & 15 Vict. c. 92. s. 5.
		Recognizances.	
XIX.	—	For Surety of the Peace or good Behaviour.	Common Law.
	,,	Recognizance not to extend beyond Twelve Calendar Months.	16 Vict. c. 30. s. 2.
	—	Commitment in default of finding Surety.	
	1	Married Woman may be bound.	
	2	Infants ,, ,,	
		Defendant in addition to a Penalty may be bound in his own Recognizance.	
XX.	—	Mode of binding by Recognizance - -	14 & 15 Vict. c. 93. s. 34.
	1	Form - - - - - -	
	2	Amount of - - - - - -	
	3	To contain particular Description of Parties bound - - - - -	
	4	To be in Form in the Schedule - -	
	—	To appear at Assizes or Quarter Sessions, how to be sent and estreated - -	
	—	To appear before Justices or Petty Sessions, how to be deposited and estreated - - - -	
		Offences against this Act.	
XXI.	1	Entry of Summonses - - -	14 & 15 Vict. c. 93. s. 35.
	2	Clerk taking more than legal Fee - -	
	3	Service of Summons - - -	
	4	Constables not returning Warrants - -	
	5	,, Neglect of Duty - - -	

Section.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
		CIVIL JURISDICTION, OR OF A CIVIL CHARACTER.	
XXII.		*Possession of small Tenements.*	
	1	May be recovered by Order of Justices	1 & 2 Vict. c. 74. 14 & 15 Vict. c. 92. s. 15.
	2	Summons how to be served	
	,,	,, substituted Service	
	3	On Proof of Right, Justices may issue Warrant to deliver Possession	
	4	If Party summoned undertakes to deliver up Possession and pay Arrears in Fourteen Days, no Warrant to issue until the Expiration of that Period	
	,,	If Possession continued, Justices may issue Warrant without further Notice	
	,,	Not to protect Persons who have no legal Right	
	5	Tenants doing Damage to Premises	5 Vict. c. 24. s. 66.
		Master and Servant.	
XXIII.	1	Justices may order Payment of Sums due, not to exceed Ten Pounds	20 G. 2. c. 19. ss. 1. 2. 5. 6.
	,,	For Wages	14 & 15 Vict. c. 92. s. 16.
	,,	,, Hire of Draught Horses or Carts	Ditto.
	,,	,, Tuition due to Teachers	Ditto.
	2	Complaints by Servants against Masters	20 G. 2. c. 19. s. 2.
	3	Justices Order for Compensation to Servants for Loss of Time (not to exceed Forty Shillings.)	14 & 15 Vict. c. 92. s. 16.
	4	Recovery of Wages by Servants in Absence of Master.	Ditto.
	5	Servants may be punished for not observing Contract	Ditto. 4 G. 4. c. 34. s. 4.
	6	Workman making away with Goods committed to his care, (not exceeding Five Pounds in Value)	Ditto. 14 & 15 Vict. c. 92. s. 16.
		Impounding Distresses.	
XXIV.	1	Justices may license Person to keep a public Pound	14 & 15 Vict. c. 92. s. 19.
	2	No Person to act as Poundkeeper unless licensed (except of a Manor Pound)	
	,,	Keeper of a Manor Pound may be licensed	
	3	,, but not to act unless his Appointment filed	
	4	Poundkeeper to enter into Recognizance	
	5	Scale of Pound Fees	
	,,	Rate of Sustenance to be fixed by the Justices	
	6	Table of Fees and Rates to be posted	
	7	No Animals to be impounded in any other than a licensed Pound (or Manor Pound), except in case of Emergency	

Impounding

Subject.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise, as stated.
XXIV. *continued.*		*Impounding Distresses.*	
	8	Notice of impounding to be given to Owner - - - -	14 & 15 Vict. c. 92. s. 19.
	9	Public Notice of impounding straying Animals to be given by Poundkeeper and Constable - - -	
	,,	When Owner of straying Animal unknown, it may be sold - -	
	,,	Notice of Sale to be posted - -	
	,,	Produce of Sale how to be applied -	
	10	Persons impounding Cattle, to find Food and Water.	12 & 13 Vict. c. 92. s. 5.
		Power for other Persons to supply impounded Cattle on Neglect of Impounder.	Ditto, s. 6.
		Punishment for Offences, against foregoing Provisions.	
XXV.	1	Pound-keeper acting without Authority	14 & 15 Vict. c. 92. s. 19.
		,, before entering into Recognizances. - - -	
		,, not keeping Pound clean	
		,, demanding more than legal Fees - - -	
		,, omitting to post Tables -	
		,, omitting to give Notice -	
		,, liberating without Authority - - -	
	2	Persons rescuing Distress - -	
		,, injuring Pound - - -	
		,, liberating Distress - -	
		Offenders may be indicted - -	
	3	Persons impounding elsewhere than in licensed Pound - - -	
		,, omitting to give Notice of impounding - - -	
		,, injuring Distress - -	
		No Interference with Establishment of Manor Pound.	
		But in other respects the Provisions of this Act to extend thereto.	
		Trespass of Animals.	
XXVI.	1	No impounding where Owner of Animals is known - - - -	
		Occupier of Land to deliver up Animals found trespassing to their Owner, and shall then be entitled to the following Rates of Trespass - - -	
	2	When Owner unknown the Animal may be impounded - - - -	
		Pound-keeper to deliver Animal, on Authority of Justice, on Payment -	

Subject.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Trespass of Animals—continued.	
XXVI. *continued.*		Pound-keeper to pay over to Person impounded the Rates of Trespass - -	14 & 15 Vict. c. 92. s. 20.
	3	Proceeding in case of Parties being dissatisfied - - -	
		,, in First Trespass - -	
		,, in Second Trespass - -	
		,, for Compensation on actual Damage - - -	
	,,	Justices may allow Credit for, or Order the refunding of Money already paid - - - -	
	4	,, may order Repair of Fences by Person who ought to repair the same - - -	
		Punishment for Offences.	
XXVII.	1	Impounding, when Owner is known, without lodging proper Notice -	14 & 15 Vict. c. 92. s. 20.
	2	Pound-keeper neglecting to deliver up Animals - - -	
		,, or to pay over Amount received - - -	
		Persons not preventing Animals from trespassing - - - -	
	,,	Justices may adopt such Means of Proof as they shall see fit - - -	
XXVIII.	—	Justices Power to deal summarily with Cases of oppressive Distresses.	5 Vict. c. 24. s. 67.
XXIX.	—	Power to order Delivery of Goods unlawfully detained.	5 Vict. c. 24. s. 68.
		Accounting for stolen Property.	
XXX.	—	Justice to issue Search Warrant for certain Articles, and require Persons to account for having same in possession - -	14 & 15 Vict. c. 92. s. 4.
	1	Possession of shipwrecked Goods - -	Ditto. 7 & 8 G. 4. c. 29. s. 19.
	2	,, of Mutton, Deer, &c. - -	7 & 8 G. 4. c. 29. s. 27. 14 & 15 Vict. c. 92. s. 4.
	3	,, of stolen Wood - - -	Ditto.
	4	Offering shipwrecked Goods for sale -	7 & 8 G. 4. c. 29. s. 20. 14 & 15 Vict. c. 92. s. 4.
		Justices may order Restitution of stolen Property.	Ditto.
		,, may summon other Parties -	Ditto.
	5	Persons having stolen or unlawfully obtained Goods in possession.	5 Vict. c. 24. s. 53.

On

Subject.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
XXXI.	—	On Suspicion of Goods stolen or unlawfully obtained, Justice may grant a Search Warrant.	5 Vict. c. 24. s. 64.
XXXII.	—	Party by whom stolen Goods are received to be examined by the Justices.	5 Vict. c. 24. s. 65.
XXXIII.	—	Justices may order Delivery of stolen Goods.	5 Vict. c. 24. s. 66.
	—	„ not to prevent Brokers from Proceeding by Action against Party for Recovery of Goods.	Ditto.
XXXIV.	—	Power to order Delivery of Possession of Goods charged to have been stolen or fraudulently obtained and in Custody of Constables.	5 Vict. c. 24. s. 67.
XXXV.	—	Unclaimed stolen Goods may be sold -	5 Vict. c. 24. s. 58.
XXXVI.	—	Power to award Costs - - -	5 Vict. c. 24. s. 59.
XXXVII.	—	Amends may be made for frivolous Informations.	5 Vict. c. 24. s. 60.
XXXVIII.	—	Penalties on Informers for compounding Information.	5 Vict. c. 24. s. 61.
XXXIX.	—	Power to lessen Share of Informers -	5 Vict. c. 24. s. 62.
XL.	—	„ to mitigate Penalties - - -	5 Vict. c. 24. s. 63.
		Proviso as to Revenue Acts.	
		Summary Jurisdiction.	
XLI.	—	Justices may either convict or dismiss the Complaint, on Merits, or without Prejudice - - - -	14 & 15 Vict. c. 93. s. 21.
	1	Orders to be entered in a Book by a Clerk - - -	
	2	„ when made out of Petty Sessions	
	3	„ Constables to make a Return thereof to the next Petty Sessions - - -	
		Convictions need not be returned to the Quarter Sessions - - -	
		Certificate thereof to be given - -	
		„ of Dismissal on the Merits -	
		„ to be a Bar to further Proceedings - - -	
		„ to be good Evidence of Conviction - - -	

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
XLII.		General Powers in adjudicating	14 & 15 Vict. c. 93. s. 22.
	1	Justices may in all Cases fix the Time and Manner of Payment	
	,,	Payment may be ordered by Instalments	
	,,	In default of Payment by Instalment, the whole Amount due may be levied	
	2	When Penalty is inflicted, or Party is imprisoned, the Commitment shall not discharge the Amount of any Damage ordered to be paid	
	,,	Damage may be levied by Distress	
	3	In all Cases Distress may be ordered on Nonpayment	
	4	Imprisonment in default of Distress according to the following Scale:—	
		Imprisonment not to exceed	
		Penalty not exceeding 20*s.* - 14 Days	
		,, exceeding 20*s.*, but not exceeding 2*l.* - 1 Month	
		,, exceeding 2*l.*, but not exceeding 5*l.* - 3 Months	
		,, exceeding 5*l.* - 6 Months	
	,,	Term of Imprisonment may be directed in the Distress Warrant	
	,,	Imprisonment determinable upon Payment of the Sums therein mentioned and ordered	
	5	Justices at Petty Sessions may substitute Distress for Committal, and vice versâ, on Failure of first Warrant	
	6	Power to award Hard Labour	
	7	Imprisonment may commence at the Expiration of Imprisonment under previous Conviction	
	8	Compensation awarded to be paid to the Party aggrieved, except in certain Cases	
	9	Fines and Penalties, Appropriation of	
		,, Informer when to receive a Portion not exceeding One Third	
		,, Remainder to the Crown	
	10	Costs in Cases to be awarded to either Party	11 & 12 Vict. c. 43. s. 5.
	,,	Aiders and Abettors punishable on summary Conviction as Principals	
		Enforcement of Orders.	
XLIII.	—	Warrants, upon Convictions, to issue peremptorily	14 & 15 Vict. c. 93. s. 23.
		,, in Civil Cases, to issue on Application of the Party	
		,, Execution to be suspended pending an Appeal	
		,, ,, unless Appellant shall have failed to perform Condition of Recognizances	

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Appeals.	
XLIV.	—	When Appeal permitted - -	14 & 15 Vict. c. 93. s. 24.
		For Penalty or Sum exceeding Twenty Shillings - - - -	
		When Term of Imprisonment exceeds a Month - -	
		When Expenses incurred by any Act exceed Forty Shillings - -	
		Recognizance above Twenty Shillings estreated - - -	
		Appeal to the next Assizes or Quarter Sessions, subject to the following Provisions:	
	1	Notice to be given within Seven Days from Date of the Order - -	
		Notice to be served on Clerk of Petty Session - - - - -	
	2	Recognizance to be entered into within Three Days after Notice - -	
		Recognizance, Amount of - -	
	3	Appeal, Form of - - - -	
	4	„ Recognizance of, to be transmitted to Clerk of Assize or Clerk of Peace - -	
	5	„ Notice of, to be given by Appellant to the other Party -	Ditto. 12 & 13 Vict. c. 45. s. 1.
	6	„ Court, on Hearing, may give Costs not exceeding Five Pounds - - -	14 & 15 Vict. c. 93. s. 24.
		„ Officer of Court to certify Decision - -	
		„ Officer of Court to certify upon and return Recognizance if Appeal is not prosecuted - - -	
	7	„ If Order not varied Justice to issue Warrant for Execution	
		„ If Order varied, Warrant to issue for Execution of Order of Court - - -	
		„ Costs of, how recovered -	
		„ by Party imprisoned, he is only to be imprisoned for Remainder of Period -	
		„ on Failure of Party to prosecute, Recognizance may be estreated - - -	
		Execution of Warrants.	
XLV.	1	When addressed to a Constable - -	
		„ to other Persons -	
	2	Distress may be sold in a certain Time -	
	3	„ not to be levied on Payment of Sum and Expenses - - -	

Section.	Clause.	——	Reference to Acts which contain similar Provisions, or otherwise as stated.
		Execution of Warrants—continued.	
XLV. *continued.*	4	Distress may be sold by a Constable without a Licence - - -	14 & 15 Vict. c. 93. s. 32.
	5	If Sum named in Warrant be paid after Commitment, Prisoner to be discharged	
	6	Gaoler to give Receipts for Prisoners -	
	7	To what Prisons Offenders shall be committed in summary Proceedings -	
XLVI.	—	Return of Warrants unexecuted - -	14 & 15 Vict. c. 93. s. 33.
XLVII.	—	Averment of previous Convictions in subsequent Proceedings.	12 Vict. c. 11. s. 4.
XLVIII.	—	Proceeding when an accused Party attends voluntarily to meet a Charge.	
XLIX.	—	Penalties cumulative not to be enforced. „ Complainant to elect.	
L.	—	Process not to be served on a Sunday, except Warrants on Criminal Charges.	29 Car. 2. c. 7.
LI.	—	Commitments, Warrants of, for consecutive Periods - - -	11 & 12 Vict. c. 43 s. 25. (altered.)
LII.	—	Minute of Order for Payment of Money to be served previous to Commitment or Distress.	11 & 12 Vict. c. 43. s. 17.
LIII.	—	Compensation may be awarded not exceeding Ten Pounds above any Penalty - „ or in lieu of Penalty -	7 & 8 G. 4. c. 30. s. 24.
LIV.	—	„ may be ordered by Justices instead of convicting an Offender -	7 & 8 G. 4. c. 29. s. 68. 14 & 15 Vict. c. 92. s. 21.
LV.	—	Penalty may be imposed on each Offender „ Order for Compensation may be made on Offenders, or each Offender. „ on full Payment any One of several Offenders in Jail may be liberated.	
LVI.	—	Names of more than One Person may be inserted in Proceedings.	
LVII.	—	Damage may be laid in the same Proceeding in which Offence charged.	
LVIII.	—	Summons to a Party to appear at Petty Session may be issued by Clerk to Justices.	

Clerk

Section.	Clause.	—	Reference to Acts which contain similar Provisions, or otherwise as stated.
LIX.	—	Clerk to place List of Summonses issued by him before Justices in Petty Sessions.	
LX.	—	Penalty on Witness summoned to give Evidence refusing to attend.	
LXI.	—	Witness refusing to be examined.	
LXII.	—	*Special Sessions*, uniform Mode of convening.	
LXIII.	—	Justices Clerk may transmit Documents to Public Officers through the Post Office.	
	—	Penalty on Postmaster refusing to give Receipt.	
LXIV.	—	*Secretary of State* may settle Table of Fees to be taken by Clerks of Peace, and Clerks to Justices.	
LXV.	—	Offenders under Sixteen Years of Age may be privately whipped - -	7 & 8 G. 4. c. 29. ss. 39. 40. 43. 7 & 8 G. 4. c. 30. ss. 20. 21. 22. 23.
	—	Order for Costs may be made on Offender or his Parent.	
LXVI.	—	Proof of Parties having passed as Man and Wife.	
LXVII.	—	Cost of Proceedings, when to be paid out of Poor Rate.	
LXVIII.	—	Property in the Possession of a Person committed to Gaol may be applied to defray the Costs.	
LXIX.	—	Proof of Proceedings. Parish Meetings. Poor Law Unions. Commissioners, &c. Special Sessions. Parish Rates. Appointment of Persons holding Public Office. Notice of Public Meeting.	
LXX.	—	Forms of Procedure - - - „ in Schedule to be valid. „ Informality not to vitiate Proceedings. „ Form of Order Book may be extended. „ Warrants, &c. need not be sealed.	14 & 15 Vict. c. 93. s. 36.

Section.	Clause.	———	Reference to Acts which contain similar Provisions, or otherwise as stated.
LXXI.	—	Description of Property, how to be stated.	
LXXII.	—	No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence. Nor for Defect of Substance or Form in Warrant. Nor for Variance.	
LXXIII.	—	No Stamp Duty on Receipts under this Act.	
LXXIV.	—	Act shall not extend to Revenue, &c.	
LXXV.	—	Form in Schedule to be deemed valid and the proper Forms in all Proceedings - Informality not to vitiate Proceedings. Sums of Money and Dates may be stated in Figures. Proceedings need not to be sealed.	14 & 15 Vict. c. 93. s. 36.
LXXVI.	—	General Terms to be used in Forms of Procedure - - - -	14 & 15 Vict. c. 93. s. 37.
LXXVII.	—	No Order or Adjudication made on Appeal shall be quashed for Want of Form. Nor be removed by Certiorari.	
LXXVIII.	—	Interpretation Clause.	
LXXIX.	—	Act to extend to England only, except where specially named.	
LXXX.	—	Short Title of Act.	
LXXXI.	—	Schedule to be Part of Act.	
LXXXII.	—	Commencement of Act.	

SCHE-

SCHEDULE.

Forms : A. Information.
B. Solemn Declaration.
C. Summons to enforce Appearance.
D. Warrant to arrest.
E. „ of Execution.
F. „ to search.
G. „ Endorsements on.
H. Appeal.
I. Certificate of Order.
J. Recognizance to appear.
K. The like, certified by Petty Sessions Clerk.
L. Order Book.
M. Summons issued by Order of Court.
N. Order of Court.

14 *February* 1856. 19 VICT.

A

BILL

TO

Consolidate and amend the Laws relating to the Summary Jurisdiction of Justices of the Peace.

WHEREAS it is expedient to consolidate and amend the Acts by which Justices of the Peace are empowered to adjudicate in a Summary Way as to certain Offences and other Matters in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

Not to revive repealed Acts.

I. From and after the *Commencement of this Act*, the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, together with all other Acts and Parts of Acts inconsistent with the Provisions of this Act, except as to any Offence committed before the passing of this Act, or any Proceedings now pending, to which the same, or any of them, are applicable, and the Repeal of any Act, or Part of an Act, shall not revive any Act, or Part of an Act recited in, and repealed thereby; (that is to say,) 1&2 P. and M. c. 12. An Act passed in the First and Second Years of the Reign of King Philip and Queen Mary, Chapter Twelve, intituled "An Act "for the impounding of Distresses:"

1 Jac. 1. c. 7. An Act passed in the First Year of the Reign of King James the First, Chapter Seven, intituled "An Act for the better repressing "of Drunkenness, and restraining the inordinate haunting of "Inns and Alehouses, and other Victualling Houses:"

29 Car. 2. c. 7. An Act passed in the Twenty-ninth Year of the Reign of King Charles the Second, Chapter Seven, intituled "An Act for the "better Observation of the Lord's Day, commonly called "Sunday:"

9 & 10 W. 3. c. 7. An Act passed in the Ninth and Tenth Years of the Reign of King William the Third, Chapter Seven, intituled "An Act "to prevent the throwing or firing of Squibs, Serpents, and other "Fireworks:"

19 G. 2. c. 21. An Act passed in the Nineteenth Year of the Reign of King George the Second, Chapter Twenty-one, intituled "An Act "more effectually to prevent profane cursing and swearing:"

20 G. 2. c. 19. ss. 1, 2., 5, 6, and 7. So much of an Act passed in the Twentieth Year of the Reign of King George the Second, Chapter Nineteen, intituled "An Act "for the better adjusting and more easy Recovery of the Wages "of certain Servants, and for the better Regulation of such "Servants and of certain Apprentices," as is contained in Sections One, Two, Five, Six, and Seven of that Act:

29 G. 2. c. 6. So much of an Act passed in the Twenty-seventh Year of the Reign of King George the Second, Chapter Six, intituled "An "Act to repeal a Proviso in an Act made in the Twentieth Year "of the Reign of His present Majesty's Reign, intituled 'An "'Act for the better adjusting and more easy Recovery of the "'Wages of certain Servants, and for the better Regulation of "'such Servants and of certain Apprentices,' which provides "that the said Act shall not extend to the Stannaries in England "and Wales:"

32 G. 3. c. 56. An Act passed in the Thirty-second Year of the Reign of King George the Third, Chapter Fifty-six, intituled "An Act for "preventing the counterfeiting of Certificates of the Characters "of Servants:"

3 G. 4. c. 126. s. 121. So much of an Act passed in the Third Year of the Reign of King George the Fourth, Chapter One hundred and twenty-six, intituled "An Act to amend the General Laws in being for "regulating Turnpike Roads in that Part of Great Britain called "England," as is contained in Section One hundred and twenty-one of that Act:

So much of an Act passed in the Fourth Year of the Reign of King George the Fourth, Chapter Thirty-four, intituled "An Act "to enlarge the Powers of Justices in determining Complaints "between Masters and Servants, and between Masters, Apprentices, Artificers, and others," as is contained in Sections Three, Four, and Five of that Act :

4 G. 4. c. 34. ss. 3, 4, 5.

So much of an Act passed in the Fourth Year of the Reign of King George the Fourth, Chapter Ninety-five, intituled "An "Act to explain and amend an Act passed in the Third Year of "the Reign of His present Majesty, to amend the General Laws "now in being for regulating Turnpike Roads in that Part of "Great Britain called England," as is contained in Sections Fifteen and Seventy-three of that Act :

4 G. 4. c. 95. ss. 15. 73.

An Act passed in the Fifth Year of the Reign of King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of "Great Britain called England :"

5 G. 4. c. 83.

So much of an Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Twenty-nine, intituled "An Act for consolidating and amending the Laws in "England relative to Larceny and other Offences connected "therewith," as is contained in Sections Nineteen, Twenty, Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty, Thirty-three: Thirty-eight, Thirty-nine, Forty, Forty-one, Forty-two, Forty-three, Sixty-seven, Sixty-eight, Sixty-nine, Seventy, Seventy-one, Seventy-two, Seventy-three, and Seventy-four of that Act :

7 & 8 G. 4. c. 29. ss. 19. et seq.

ss. 31, 32. were repealed by 7 & 8 Vict. c. 47.

So much of an Act passed in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Thirty, intituled "An "Act for consolidating and amending the Laws in England "relative to malicious Injuries to Property," as is contained in Sections Twenty, Twenty-one, Twenty-two, Twenty-three, Twenty-four, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-three, Thirty-four, Thirty-five, Thirty-six, Thirty-seven, Thirty-eight, Thirty-nine, and Forty of that Act :

7 & 8 G. 4. c. 30. ss. 20. et seq.

So much of an Act passed in the Ninth Year of the Reign of King George the Fourth, Chapter Thirty-one, intituled "An "Act for consolidating and amending the Statutes in England "relative to Offences against the Person," as is contained in Sections Twenty-six, Twenty-seven, Twenty-eight, Twenty-nine, Thirty-three, Thirty-four, Thirty-five, and Thirty-six of that Act :

9 G. 4. c. 31. ss. 26., 27, 28, 29, 33, 34, 35, and 36.

So much of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to

5 & 6 W. 4. c. 19. s. 38.

" amend and consolidate the Law relating to Merchant Sea-" men of the United Kingdom, and for forming and maintaining " a Register of all the Men engaged in that Service," as is contained in Section Thirty-eight of that Act:

5 & 6 W. 4. c. 50. ss. 55, 56, 57., 65, 66, 67., 71, 72., 76, 77, 78, and 79.

So much of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, intituled " An Act to consolidate and amend the Laws relating to High-" ways in that Part of Great Britain called England," as is contained in Sections Fifty-five, Fifty-six, Fifty-seven, Sixty-five, Sixty-six, Sixty-seven, Seventy-one, Seventy-two, Seventy-six, Seventy-seven, Seventy-eight, and Seventy-nine of that Act:

1 & 2 Vict. c. 38.

An Act passed in the First and Second Years of the Reign of Her present Majesty Queen Victoria, Chapter Thirty-eight, intituled " An Act to amend an Act for punishing idle and disorderly " Persons and Rogues and Vagabonds:"

1 & 2 Vict. c. 74.

An Act passed in the First and Second Years of the Reign of Her present Majesty Queen Victoria, Chapter Seventy-four, intituled " An Act to facilitate the Recovery of Possession of Tenements " after due Determination of the Tenancy:"

6 & 7 Vict. c. 30.

So much of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty Queen Victoria, Chapter Thirty, intituled " An Act to amend the Law relating to Pound " Breach and Rescue in certain Cases:"

8 & 9 Vict. c. 47.

An Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen Victoria, intituled " An Act for the " further Prevention of the Offence of Dog Stealing:"

12 & 13 Vict. c. 92. (in part).

So much of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen Victoria, Chapter Ninety-two, intituled " An Act for the more effectual Pre-" vention of Cruelty to Animals," as is contained in Sections Two, Three, Four, Five, and Six of that Act:

16 Vict. c. 30. s. 1.

So much of an Act passed in the Sixteenth Year of the Reign of Her present Majesty Queen Victoria, Chapter Sixteen, intituled " An Act for the better Prevention and Punishment of aggra-" vated Assaults upon Women and Children, and for preventing " Delay and Expense in the Administration of certain Parts " of the Criminal Law," as is contained in Section One of " that Act:

17 & 18 Vict. c. 60.

An Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Queen Victoria, Chapter Sixty, intituled " An Act to amend an Act of the Twelfth and " Thirteenth Years of Her present Majesty, for the more " effectual Prevention of Cruelty to Animals."

II. It

One Justice in Petty Sessions may act.

II. It shall be lawful for any Justice in Petty Sessions at, or assembled at, some usual Place of holding Petty Sessions within his or their respective Jurisdictions to hear and determine, either on the Oath of One or more credible Witness or Witnesses, or on the Confession of any Person against whom Complaint shall be made, all Complaints relating to any Offences, Claims, or other Matters under the Provisions of this Act, and to order such Fine, Imprisonment, Compensation, Payment, Expenses, Costs, and Sums, or to make such Order relating to each Offence or other Matter as such Person shall be liable to, or as such Justice shall adjudge under the said Provisions, and all Proceedings as to compelling of any such Person, or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making, enforcing, and executing such Orders, shall be subject in all respects to the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales with respect to Sum-"mary Convictions and Orders," so far as the said Provisions shall be consistent with any special Provisions of this Act.

Reference to the 11 & 12 Vict. c. 43. (Administration of Justice Act.)

Reference in Acts of Parliament to the 5 G. 4. c. 83., 9 G. 4. c. 31., and 1 & 2 Vict. c. 38., to be proceeded against under s. 14. post.

III. And that in every Act of Parliament which is now in force, where Reference is had or made to certain Acts which were passed in the Fifth and in the Ninth Years of the Reign of His Majesty King George the Fourth, and in the First and Second Years of the Reign of Her present Majesty, (and which are hereby repealed,) and whereby any Person is made liable to be punished as an idle and disorderly Person, or as a Rogue and Vagabond, in such and the same Manner as was provided for, by the repealed Acts, or either of them, every such Person shall be liable to be punished and proceeded against in the same Manner and to the same Extent, as herein-after is provided with respect to any Offence, stated in Section Fourteen of this Act; and also where Reference is made to a certain Act passed in the First and Second Years of Her present Majesty, Chapter Seventy-four, (which is hereby repealed,) as to any Proceedings thereunder, such Proceedings shall be commenced, taken, and be proceeded with under the Provisions contained in Section Twenty-two of this Act.

Reference to 1 & 2 Vict. c. 74. to be proceeded with under s. 22. post.

FIRST CLASS OF OFFENCES.

FIRST CLASS OF OFFENCES.

IV. Any Person who shall commit any of the next following Offences shall be liable for the First Offence to pay a Fine not exceeding *Twenty Shillings;* or to be imprisoned for a Term not exceeding *Fourteen Days;* and for a subsequent Offence, to pay a

Fine not exceeding *Forty Shillings ;* or to be imprisoned for a Term not exceeding *One Calendar Month :—*

Drunk and disorderly. 21 Jac. I. c. 7. 2 & 3 Vict. c. 47. s. 58.

1. Who shall be drunk or intoxicated in any public Road, or, in or at any Place of public Meeting or Resort, and who whilst drunk or intoxicated shall be riotous or disorderly, or incapable of taing care of himself or his Property, or who shall be guilty of any indecent Behaviour:

Wilfully causing Disturbance. *Common Law.*

2. Who shall, in any public Place or Assembly of Persons, wilfully or wantonly create or make any Disturbance, to the Annoyance of any Person there, or therein:

Wilful Annoyance to Inmates of Houses by throwing at Windows, &c. 2 & 3 Vict. c. 47. s. 54.

3. Who shall wilfully or wantonly, annoy or disturb any Inhabitant, Occupier, or Inmate of any House, by pulling any Bell of, belonging to, or affixed to any House, or upon the Premises of or belonging to any House or Building, or by knocking at, or throwing anything against, any Door, Wall, or Window, or at or upon or against any Part of any House or Premises, without lawful, reasonable, and sufficient Excuse:

Annoyance by playing upon Musical Instruments. 2 & 3 Vict. c. 47. s. 54.

4. Who shall sound, play, or beat upon any Musical Instrument, or Instrument or Thing producing Sound, in or near any Road, or any Place near any House, and shall not depart therefrom upon being required to do so, by the Occupier or Inmate of any House, or his or her Servant, or by any Person authorized by such Occupier or Inmate, on account of the Illness of any Inmate of such House, or for other reasonable Cause, or by any Constable or Peace Officer:

Selling Fireworks in any House in a Street. 9 & 10 W. 3. c. 7. s. 2.

5. Who shall make or sell, or utter or offer for Sale or Disposal, any Sort of Firework whatever, or any Case, Moulds, or other Implements for making the same, in any House, Shop, or Premises, or Stall in any Street, Thoroughfare, or Court, or in or upon any Street, Thoroughfare, or Court, or by the Sides of the same:

Trespass on Fields, &c., and refusing to leave. 14 & 15 Vict. c. 92. s. 8.

6. Who shall wilfully trespass in any Field, Garden, Pleasure Ground, Wood, Plantation, or other Place, and shall neglect or refuse to leave any such Place, after he shall have been warned so to do, by the Occupier or Owner, or his Caretaker or Servant, Agent, or by any Person employed on that Behalf by the Occupier or Owner:

Repetition of Trespass after Warning. 14 & 15 Vict. c. 93. s. 8.

7. Any Person who shall again trespass in any such Place, after any such Warning shall have been so given to him:

Not to extend to certain Cases of Trespass.

Provided nevertheless, that nothing herein above, or in this Act contained, shall extend to any Case where the Party trespassing acted under a fair and reasonable Supposition, that he had a Right to go into or upon such Place, nor to any Trespass (not being wilful or malicious)

malicious) committed in hunting, fishing, or the Pursuit of Game; but nothing herein contained shall prevent any Person from maintaining any Civil Action, or Suit, for such Trespass, instead of proceeding under this Act.

7 & 8 G. 4. c. 29. s. 24. 14 & 15 Vict. c. 93. s. 8.

Not to prevent Right of Civil Action.

SECOND CLASS OF OFFENCES.

SECOND CLASS OF OFFENCES.

V. Any Person who shall commit any of the next following Offences shall be liable for the First Offence to pay a Fine not exceeding *Forty Shillings;* or to Imprisonment for a Term not exceeding *One Calendar Month;* and for a subsequent Offence to pay a Fine not exceeding *Five Pounds;* or to Imprisonment for a Term not exceeding *Three* Calendar Months:—

1. Who shall extinguish any Light, or the Light of any Lamp or Burner, in or at any public Place, or Place of public Meeting, or which shall be placed or put for the Use or Accommodation of the Public, or in or upon any private Premises, or break the Glass or Cover of any such Lamp or Burner, or do any Injury or Damage to any Pipe, Tube, Lamp Iron, Lamp Post, or any Appendage or Appurtenant of the same:

Extinguishing Lamps. 2 & 3 Vict. c. 47. s. 54.

2. Who shall, without the Consent of the Owner or Occupier, or Person having the Care, or Management of any Place, affix, paste, or place any Posting Bill, or any Paper, Material, or Substance, against or upon any Land, Building, Wall, Pavement, Fence, Ledge, Pale, or Rail, or write or draw upon or mark the same with Chalk, Paint, or any Composition or Substance:

Affixing Posting Bills. 2 & 3 Vict. c. 47. s. 47.

3. Who shall suffer to be at large, and unmuzzled and unsecured, any ferocious Animal; or shall set, incite, or urge any Animal to fly at, attack, worry, bite, or put in fear any Person or Animal, or shall neglect or refuse to keep in or restrain any Animal from flying at or attacking or so as to cause Terror, to Injury, to any Person or Animal, or shall have or suffer any Bull, or any dangerous or vicious Animal, to be or remain in any Field, Ground, or Place in, through, or over which there shall be a public Right of Way, or Passage:

Suffering ferocious Animals to be at large. 2 & 3 Vict. c. 47. s. 54.

Bulls or vicious Animals in Fields through which there is a public Way.

4. Who shall wilfully or purposely turn into or suffer to be turned into or upon any Land set apart for mowing a Crop, or for depasturing Cattle, or sown or planted with Corn, Pulse, Grain, Seeds, or Roots, any Animal or domestic Bird to depasture, graze, or feed:

Turning Cattle into mowing Grass, Corn, &c. 14 & 15 Vict. c. 92. s. 20.

5. Who shall have or use upon any Road any Dog, for the Purpose of drawing or propelling, or helping to draw or propel, any Cart, Carriage, Truck, Barrow, or Vehicle; and this particular Provision shall extend not only to England but also to the whole of the United Kingdom.

Using Dogs for the Purposes of Draught. 17 & 18 Vict. c. 60. s. 2.

Third Class of Offences.

THIRD CLASS OF OFFENCES.

VI. Any Person who shall commit any of the next following Offences shall be liable for the First Offence, to pay a Fine not exceeding *Five Pounds;* or to Imprisonment not exceeding *Three* Calendar Months; and for a subsequent Offence to pay a Fine not exceeding *Ten Pounds;* or to Imprisonment not exceeding *Six* Calendar Months:—

Wilfully annoying any Person. *Common Law.*

1. Who shall wilfully or wantonly annoy, disturb, interrupt, molest, intimidate, or cause or be the Means of causing any Annoyance, Disturbance, Interruption, Molestation, or Intimidation, to any Person, without reasonable Cause:

Using threatening Language. 2 & 3 Vict. c. 47. s. 53.

2. Who shall use any threatening, abusive, or insulting Words, Language, Gesture, or Behaviour, or produce or threaten to make use of any Firearm, or any deadly Weapon or Instrument, or any Instrument of Offence, with Intent to provoke a Breach of the Peace, or whereby or by means whereof, a Breach of the Peace, might be intended, threatened, provoked, or occasioned, or shall wilfully direct or point any Firearm, to, or towards any Person, whether the same be loaded or not:

Pointing Fire-arms at any Person.

Committing Breach of the Peace. *Common Law.*

3. Who shall fight, or aid, countenance, incite, second, or assist another Person to fight, or shall in any Manner make an Affray, or commit or endeavour to commit a Breach of the Public Peace:

Interrupting Constable in Execution of Duty. 1 & 2 W. 4. c. 76. s. 81.

Rescuing a Prisoner or Person in Custody of Constable, Sheriff's Officer, or Officer of any Court.

4. Who shall disturb, hinder, or prevent, or shall endeavour to hinder or prevent, or aid and assist in hindering or preventing, any Constable or Peace Officer acting in the Execution or Performance of his Duty, or prevent any Person being apprehended by such Constable or Police Officer, or shall encourage any Person apprehended by him, or in his Custody, to resist his Apprehension, or shall rescue or attempt to rescue, or aid or abet in any Rescue, or incite or procure, or endeavour to incite or procure, any other Person to rescue or attempt to rescue, any Prisoner who shall have been arrested by, or shall be in the Custody of, any Constable or Peace Officer, or Officer of a Sheriff or of any Court of Criminal or Civil Judicature:

Constable neglecting his Duty. 1 & 2 W. 4. c. 41. s. 11. 5 & 6 W. 4. c. 76. s. 80.

5. Any Constable who shall be guilty of any Neglect or Breach of Duty, or of Disobedience of any lawful Order, or Direction, given to him for the Performance of (unless sufficient Excuse be shown):

Hawkers trading without Licence. 50 G. 3. c. 41. s. 17. 5 G. 4. c. 83. s. 3.

6. Who, being a Petty Chapman or Hawker, Dealer, Pedlar, or trading Person, shall hawk, trade, sell, or offer to sell or dispose of, in any Manner or under any Pretence, any Goods, Wares, or Merchandise, without being duly authorized or licensed by Law, or being a duly licensed Person shall refuse

or

THIRD CLASS OF OFFENCES.

or neglect to produce and show his or her Licence, when required to do so by any Justice, Constable, or Officer of Inland Revenue, or to any Person who shall have bought, or to whom shall have been offered, for Sale or Disposal any Goods, Wares, or Merchandise, of or by such Petty Chapman, Hawker, Dealer, or trading Person, or being duly licensed shall trade contrary to, or otherwise than as shall be allowed or permitted by such Licence:

Disturbing Religious Congregations. 31 G. 3. c. 33. s. 10. 52 G. 3. c. 155. s. 12.

7. Who shall, or shall attempt to, wilfully or wantonly, disquiet, disturb, interrupt, molest, or misuse the Congregation, or any Person forming Part of such Congregation, in any Church, Chapel, Chapel of Ease, or Building of or belonging to the Established Church, or in any Meeting House or Assembly or Congregation of Persons assembled for Religious Worship, or for any Purpose, authorized, permitted, or tolerated by Law, or any Clerk in Holy Orders, or any Preacher, Teacher, or Reader, or Person officiating, preaching, teaching, reading, or expounding in or at any such Church, Chapel, Meeting House, Assembly, or Congregation, or any Person or Persons there met or assembled, or who shall brawl, make a Disturbance, or behave in a riotous or improper Manner in any such Church, Chapel, Building, Meeting House, Assembly, or Congregation:

Exposing Children with infectious Disease.

8. Who shall, wilfully remain or expose himself, or herself, or his or her Child, or any Child or Person under his or her Care or Protection or Control, or who shall convey, have, or suffer such Child or Person, whilst labouring under, or having, or apparently labouring under, or having, any loathsome or infections or contagious Disease or Disorder, to be in any public Thoroughfare, or in any Place of public Resort, or in or to or at any Assembly of People, or School, or in any Railway Carriage, or in any Stage Coach, Omnibus, or public Vehicle, or Steam Boat or other Vessel, for the Conveyance or Use of the Public or Passengers; or who shall take or leave any such Child or Person to or at any private Dwelling House or Premises, without the Consent or against the Will of any Occupier thereof:

Gaming in public Vehicles, or upon Roads, or Places of public Resort. 5 G. 4. c. 83. s. 4.

9. Who shall play, or assist in playing, or any other Person, to play at, or stake any Money or Chattel, or bet, or wager upon, any Game of Cards, Dice, or at any other Game, whether of Skill or Chance, in or upon any public Carriage for the Conveyance of Passengers, whether travelling, or being, upon any Road, or upon any Railroad, or in any Steam Boat, or any Vessel, or Vehicle carrying Passengers or Persons for, or upon, Hire or Fare, or, upon any Road, or by the Side of any Road, or in any open or exposed Spot or Place, or in or at any public

THIRD CLASS OF OFFENCES.

public Place of Resort, or shall in, or at, any such Place, have or keep or use or make use of any Table, Device, Implement, or Instrument of or for Gaming, or to game at, or play at, any Game, or pretended Game of Skill or Chance:

Pawnbroker receiving Goods from Children or drunken Persons.
39 & 40 G. 3. c. 99. s. 21.

10. Every Pawnbroker, or Person, advancing or lending Money or Money's Worth on Deposit of, or Lien upon, Goods or Chattels, or, a petty Tradesman, and every Servant, Shopman, Agent, or Person employed by or acting for him, who shall purchase, or take or receive any Goods or Chattels in Pawn, Lien, or Deposit, Loan or Pledge, from a Person under, or apparently under, the Age of Sixteen Years, or from any Person who shall be or apparently be intoxicated:

Unlawfully disposing of the Goods of another.
39 & 40 G. 3. c. 99. s. 8.

11. Who shall unlawfully dispose of, or knowingly receive the Goods or Chattels of another Person, or shall knowingly or designedly pawn, pledge, or exchange, or receive or take the Goods of another Person, not being employed or authorized by the Owner thereof to do so;

And also, the full Value of the Goods or Chattels so unlawfully disposed of, pawned, pledged or exchanged, such Value to be ascertained and determined by the Justice making the Order:

Cruelty to Animals.
12 & 13 Vict. c. 92. ss. 3. & 4.

12. Who shall cruelly or wantonly beat, ill-treat, over-drive, over-ride, or over-task, abuse, or torture, or shall cause, or suffer, or procure, to be cruelly or wantonly beaten, ill-treated, over-driven, over-ridden, or overtasked, abused, or tortured, any Animal or Bird:

The above Penalty to be over and above any Damage, Loss, or Injury occasioned to such Animal or Bird by the Owner, or by any Person or Property, by reason of such Ill-usage, and which Damage, Loss, or Injury may be ascertained and awarded by the Justice in addition to any Penalty:

Places of public Resort.

Keeping Places for Dog-fighting or worrying Animals
12 & 13 Vict. c. 92. s. 3.

13. Who shall keep or use, or act or apparently act in the Management or Control of, any Place for the Purpose of fighting, baiting, worrying, or killing or destroying, for Wager or Profit or Advantage, any Animal or Bird, whether of domestic or of wild Nature, or shall permit or suffer such Place to be so used, and who shall demand or receive or take any Money or Token or Check or Pass for the Admission or Entry of any other Person to any such Place or Places of Resort, or to any Place adjoining thereto or connected therewith, and who shall in any Manner be present at, or shall aid and assist at or encourage, any such fighting, baiting, worrying, killing, or destroying;

10 & 11 Vict. c. 89. s. 36.
Justice may order Constable to enter such Premises.

And any Justice may, by Order in Writing, authorize any Constable, with such Assistance as he may think proper, to enter upon and into any Premises kept or used for any of the Purposes aforesaid, *Places of public Resort.*

aforesaid, within any Period not extending beyond Fourteen Days from the Date of such Order, and to take into Custody, or else summons all Persons found, or being therein, without lawful Excuse, and who shall be liable to the above Penalty:

Victuallers harbouring Constables. 10 & 11 Vict. c. 89. s. 34.

14. Every Victualler, or Keeper, or Person having the apparent Management of, or Control over, any Public House, or House or Place licensed to sell fermented or distilled Liquors by Retail, to be drunk or consumed in or upon the House or Premises, who knowingly harbours or entertains, or suffers to remain in his House, Place, or Premises, any Constable, during any Part of the Time appointed for his being on Duty, or for a longer Period than may be reasonably required to obtain necessary Refreshment, when no Time is specified for such Constable being on Duty, and unless such Constable shall be there for the Purpose of quelling any Disturbance, or restoring Order:

Keepers of Places of public Resort harbouring disorderly Persons. 10 & 11 Vict. c. 89. s. 35.

15. Every Person keeping, or having the apparent Management of, or Control over, any House, Shop, Room, Garden, Ground, or other Place of public Resort for the Sale or Consumption of Refreshments of any kind, who knowingly suffers common Prostitutes, or reputed Thieves, or drunken or disorderly Persons, to assemble at, or continue in, or upon, his Premises:

Disorderly Persons refusing to quit a Public House when requested.

16. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any House, Premises, or Place licensed for the Sale of fermented or distilled Liquors by Retail, or in or upon any Premises of public Resort, and shall refuse or neglect to quit such House, Premises, or Place upon being requested to do so by the Landlord, Publican, or Occupier, or his Servant, or by any Constable:

General Offences.

Disinterring dead Human Bodies. *Common Law.*

17. Who shall unlawfully disinter, disturb, or displace, or in any Manner help or assist to disinter, disturb, or displace, any dead Human Body, which shall have been interred, deposited, or placed in any Place of Sepulture or Burial, or in any Room or Place previous to and for the Purpose of Sepulture or Burial:

Disturbing Funerals. *Common Law.*

18. Who shall arrest, or attempt to arrest, or in any Manner unlawfully or wilfully prevent, hinder, impede, or obstruct, the Burial of any dead Human Body, or interrupt, annoy, or insult, or attempt to interrupt, annoy, or molest, any Person in any Funeral Procession, going to or at or returning from the Place of Burial or Sepulture, or prevent, interrupt, or disturb, annoy, molest, or insult any Person performing any Burial Service appointed or used for the Interment of the Dead, or any Religious Rite or Ceremony at, or during, such Burial or Sepulture:

Neglecting to support Wife or Children.

19. Who shall abandon, leave, or quit, or fail, neglect, or refuse to maintain or support, or to contribute to the Maintenance and

General Offences.

5 G. 4. c. 83. s. 3.

Support, of his Wife, or his or her Child, or any Relative or any Child which by Law he or she shall be bound or ought to maintain or support, or who shall be in or under his or her Care, Custody, Charge, or Protection, or shall neglect or refuse to find and provide good, sufficient, and proper Food or Clothing for any such Person or Child, or shall do any Act whatever whereby or by means whereof any such Person or Child shall become chargeable to or be relieved by any Poor Law Union or Parish:

Mothers of Bastards refusing to maintain them. 7 & 8 Vict. c. 101. s. 6.

20. Every Mother of a Bastard Child who shall leave or abandon, or fail, neglect, or refuse to support or maintain, any such Child, or do any Act whereby or by means whereof any such Child shall become chargeable to or be relieved by any Poor Law Union or any Parish:

Workhouses.

Injuring Property of Poor Law Guardians.

21. Any Person who shall unlawfully and wilfully break or damage or destroy any of the Furniture, Clothes, or other Property, whether Real, or Personal, of the Guardians of the Poor of any Poor Law Union:

Running away with Union Clothes. 55 G. 3. c. 137. s. 2. 7 & 8 Vict. c. 101. s. 58.

22. Any Person who shall desert, or run away, or abscond from any Workhouse, and carry away, any Clothes or Wearing Apparel, or any Goods belonging to the Guardians of the Poor; or shall leave, or absent himself from any Workhouse at any Time without the Consent of the Master of such Workhouse, or other Person having Power to give such Consent, or without being duly authorized by Law to leave such Workhouse:

Inmates of Workhouses refusing to work at suitable Employment. Ibid.

23. Any Person maintained in or being as casual Poor, or for temporary Purpose, in any Workhouse or Place established or provided for the Relief, Maintenance, or Employment of poor Persons, who shall refuse to work at or neglect to do or perform any Work, Occupation, or Employment suited to the Age, Strength, or Capacity of such Person; or shall be guilty of Drunkenness or any riotous or disorderly Conduct; or wilfully neglect or disobey the Rules and Regulations of the Poor Law Board for the due Order and Conduct of Persons maintained in any Workhouse, or shall be guilty of any Misbehaviour or Misconduct therein; or

Destroying their own Clothing. 5 & 6 Vict. c. 57. s. 5.

24. Who shall wilfully destroy, tear, or damage any Portion of his or her own Clothing, or any Clothing or Property of or provided by the Guardians:

Persons receiving Workhouse Property in Pawn. 55 G. 3. c. 137. s. 2.

25. Any Pawnbroker, or any other Person, who shall knowingly take in Pawn, or buy, exchange, or receive, or advance Money or any Goods, upon any Goods or Things, provided for the Use of the Poor in any Workhouse, or by any Overseer; or any of the Goods or Materials carried into any Workhouse to be manu-

Workhouses.

manufactured or used by the Poor there, or any of the Goods or Furniture of such Workhouse, or shall receive or buy any of the Provisions allotted to or provided for the Poor of such Workhouse, or shall obliterate or deface any Mark or Stamp placed upon any Goods or Property of any Workhouse, or provided for the Use of the Poor therein, or shall be aiding or assisting therein:

Guardians and Overseers may cause Clothing and Materials to be stamped. 55 G. 3. c. 137. s. 2.

The Guardians of any Poor Law Union, and the Overseers or Persons having the Management or Care of poor Persons of any Parish or Place supporting its own Poor, may cause all Clothing, Material, Goods, and Chattels, capable of being marked, to be marked, stamped, or branded with such Mark or Letters as they shall think proper for identifying the Workhouse, Parish, or Place by which the same shall have been provided:

Railway Offences.

3 & 4 Vict. c. 97. s. 43. 5 & 6 Vict. c. 55. Engine Drivers, &c.

26. Every Engine Driver, Stoker, Guard, Constable, or Porter, or any Servant or any Person in the Employ or Service or Pay of any Railway Company, or of any Person conducting or having Traffic, upon or using any Railway; or any Contractor of or upon any Railway, or any Person in his Employ or Service, or employed by or under him, who:—

Negligence of Railway Servants.

27. Shall be drunk, or negligent in the Performance of his Duty, or of any Orders with which he may be entrusted, or instructed, whilst employed, or engaged on, any Railway or Railway Property;

Doing Acts whereby Life or Limb of Passengers may be endangered.

28. Or shall wilfully, maliciously, or negligently do, or suffer or cause or permit to be done, any Act whatever whereby might be injured, or suffered, or endangered, or sustained, the Life or Limb of any Person passing along, or being upon, any Railway, or any Property or Works thereof, or in or upon any Engine, or any Carriage or Truck being on, or passing along, any Railway or Railway Property, or whereby the Passage of any Engine, or Carriage, shall be, or might be, obstructed or impeded, or shall neglect or disobey or fail to observe any Signal placed or made on, upon, or by the Side of any Railway, or any Order, Direction, or Instruction given by any Person having or possessing Authority to give or convey such Order, Direction, or Instruction:

Impeding Railway Servants.

29. Any Person who shall wilfully obstruct, impede, or resist any Officer, Servant, Agent, or Person of or employed by or under any Railway Company, or upon or in any Station or other Premises or any Works connected therewith;

Assaulting Railway Servants.

30. Or shall assault any Officer or Servant in the Employ of any Railway Company, whilst employed or acting in the Discharge

or Performance of his Duty, or in carrying out or enforcing the Rules and Regulations of the Company:

Trespassing upon any Railway.

31. Any Person who shall trespass upon any Railway, or any Station or Works of any Railway, or Premises held or connected therewith, and shall refuse or neglect to quit the same, upon Request made to him by any Officer, Servant, Agent, or Person employed by or under any Railway Company, or of any Person employed or working upon any Railway:

Passing on Line without Consent.

32. Any Person who shall travel or pass, on Foot or upon Horseback, or with any Vehicle or Truck, on or along the Line, or any Siding or Cutting or Embankment of any Railway, without the Licence or Consent of any Railway Company, or Officer or Servant of such Company having Authority to give the same, or without other sufficient Cause or Excuse for so doing:

Driving or depasturing Cattle on Railway.

33. Any Person who shall ride, lead, or drive, or depasture or feed, or permit or suffer any Animal whatever to be upon, along, or across any Railway, or the Sides, Slopes, or Land of or appertaining to any Railway:

Travelling in Railway Carriage without paying proper Fare.

Refusing to quit Carriage.

34. Any Person who shall, upon any Railway, travel or attempt to travel in any Carriage, without having previously paid the full and proper Fare, and with Intent to avoid Payment thereof; or, having paid the Fare or received a Pass for a certain Distance, shall knowingly and wilfully proceed in any such Carriage beyond such Distance, without having previously paid the additional Fare for the additional Distance, and with Intent to avoid Payment thereof; or who shall knowingly or wilfully refuse or neglect, on arriving at the Place to which such Fare has been paid, or Pass has been given, to quit his Carriage, or shall refuse to produce or show or deliver up his Ticket or Pass when required to do so by any Station Master, or by any Conductor, Guard, Ticket Collector, or other Attendant on the Train, or Person employed to receive, examine, or check Tickets:

Passenger forcing Way into Carriage; or occupying a superior Class to that for which Fare paid.

35. Any Passenger or Person who shall, or shall attempt, to force his Way into any Railway Carriage, or upon any Platform of any Railway Station, without having previously procured a proper Ticket or Pass, or shall (without proper Permission) occupy a superior Class of Carriage, during any Part of the Journey, to that for which he has obtained a Ticket or Pass, or shall continue his Journey in any Railway Carriage beyond the Place, for or to which he shall have paid his Fare or received a Pass;

And

Railway Offences.

Fare to be paid in addition Penalty.

And in addition to the above Penalty, shall be liable to pay the Fare, for the entire Distance from the Terminus of the Railway, from whence the Train started, or from the Place where the Defendant was known to have entered the Carriage:

Wilfully setting any Railway Carriage in motion.

36. Any Person who shall wilfully put in motion any Carriage, Truck, Van, or Vehicle of or upon any Railway or Railway Property, without being employed to do so, or duly appointed or authorized for that special Duty or Purpose; or

Wilfully setting any Railway Engine in motion.

37. Who shall, or shall permit any Person to put in motion or drive, or attempt to put in motion or drive, any Engine on or upon any Railway, or Railway Property, without being fully competent or capable of so doing, and of driving, conducting, or managing such Engine:

Leaving any Carriage on Railroad.

38. Any Person who shall leave or permit to be left, upon any Line of Railway, any Engine or Carriage of any Description, for a longer Period than may be necessary to shift or move such Carriage, from one Line of Rails to another:

Neglecting Signals.

39. Any Person who shall neglect or disobey any Signal placed, held, or given, or made upon, or on, or by the Side of, any Railway, or for regulating the Passage of Engines, Carriages, and Vehicles upon or along any Railway; or

Altering Signals.

40. Shall alter or remove, deface, injure, or extinguish, any Signal or Signal Lamp, or the Light thereof, or shall alter or tamper with any Switch, Point, Turn-table, or any Machinery or Working thereof, or any other Matter or Thing used for working any Railway; or

Wilfully damaging Railway Property.

41. Shall wilfully damage or deface, wholly or in part, any or any Portion of any Machinery, Engine, Carriage, Station, or Property:

Smoking or causing Annoyance.

42. Any Person who shall, in any Railway Carriage, or in, at, or upon any Railway Station, Office, Waiting Room, or Premises, smoke, be guilty of violent or improper Conduct, or annoy any Passenger, or Person:

Discharging Missiles against Railway Engines and Carriages.

43. Any Person who shall or shall attempt to place, put, throw, drop, or scatter any Stone, Timber, Metal, Gravel, Rubbish, or Matter or Thing whatever, on to or upon or at, or discharge or cast any Fire-arm or Missile towards or against, any Part of any Railway, or upon or against or at any Engine, Tender, or Carriage of any Description then passing on or along, or being on, any Part of any Railway, or Railway Property:

Wilfully obstructing Railway.

44. Any Person who shall do any Act, Matter, or Thing whatever, wilfully or negligently, to obstruct the free Passage of any Railway, or any Part thereof, or of any Engine or Carriage of any Description passing therealong or being thereon:

Railway Offences.

Offences against Byelaws.

Offenders may be apprehended by Railway Servants.

45. Any Person who shall commit any Offence against any Rule, or Byelaw, or Regulation, of any Railway Company:

Every Superintendent, or Acting Superintendent, of any Railway Station, and every Guard, Conductor, Constable, or other Officer or Servant of any Railway Company, and every Person whom he shall call to his Assistance, is hereby empowered to remove from any Carriage, or Premises, of any or upon any Railway, any Offender, and to apprehend and detain him, and to take such Offender before any Justice; and

Justice of any Jurisdiction may commit Offender.

Every Offender may be taken before, and be convicted by, any Justice, whether of the same Jurisdiction in which the Offence was or was supposed to be committed, or of any other Jurisdiction, and it shall not be necessary to state in any legal Proceeding, any Parish, County, or Place, in which any Offence was committed in, upon, or against any Engine or Carriage of or forming Part of any Train when in motion:

Offences on public Roads.

3 G. 4. c. 126. s. 121.
4 Geo. 4. c. 95. ss. 15. 73.
5 & 6 W. 4. c. 50. ss. 55, 56, 57., 65, 66, 67., 71., 76, 77, 78, 79.

Riding on Footpaths,

46. Any Person who shall, upon any Footpath or Causeway by the Side of any public Road; or upon any Footpath or Causeway elsewhere, made, kept, or set apart for the Use or Accommodation of Foot Passengers, lead, ride, or drive any Animal, or any Barrow, Truck, or Sledge, or any Carriage or Vehicle of any Description, or any Part or Wheel thereof;

Driving Carriage on Bridle Road.

47. Or shall upon any Bridle Road, or Horseway, drive, have, or leave any Carriage or Vehicle;

Injuring Footpaths.

48. Or shall in any Manner, break up the Surface of, or injure, the Path of any Footway, or Path for Foot Passengers, or do any Act to impede or obstruct any Foot Passenger in the Use, or Enjoyment of any such Path;

Obstructing the free Passage of Highway.

49. Or shall in any Manner obstruct the free Passage of any Road, or any Part of a Road, or of any Animal, Carriage, or Person, passing, or being desirous of passing thereon or therealong;

Using improper Implements to retard Carriages.

50. Or shall use any Implement, Instrument, or Thing whatever for the Purpose of retarding the Descent of any Carriage down any Hill, or for facilitating the Ascent of any Carriage up any rising Ground, in such Manner as to injure or injuriously disturb the Surface of the Road, or shall place or leave on any Road the Implement or Instrument or Thing by which such Descent or Ascent was retarded or facilitated;

Suffering Timber to trail.

51. Or shall suffer, any Timber, or any Material whatever, which shall be carried or hauled principally or in part, upon any wheeled Carriage, to drag or trail upon such Road, without being supported by Wheels from touching the same, to the Injury or Prejudice thereof;

52. Or

Offences on public Roads.

52. Or shall haul or draw, or cause to be hauled or drawn, upon any Road any Timber, or any Material whatever, otherwise than upon a wheeled Carriage; Hauling Timber, &c., on Road.

53. Or shall lead, or drive upon, or along any Road, any Carriage, with any Substance, Matter, or Thing laid across, so that the Extremity thereof shall project more than Three Feet beyond the Wheels or Sides thereof: Matters projecting from Sides of Carriage.

54. Who shall or shall attempt to fly any Kite, or play at any Game or Pastime of Skill or Chance, upon any Part of any Road, or upon any exposed Situation near thereto, or who shall make or use any Slide upon Ice or Snow or other Means upon any Road, to the Danger, Annoyance, or Interruption of any Passenger or Person, or to the common Danger of Persons passing thereon: Flying Kites. Making Slides.

55. Who shall allow any Animal, or any Swine, Fowls, or any Poultry or Birds, to wander or stray, or feed, upon any Road: Allowing Swine, &c., to wander on Roads.

56. Every Surveyor, or Road Contractor, who shall lay or cause to be laid any Material or Matter or Thing whatsoever, or who shall suffer, allow, or permit any Person whatever to lay or place upon any Road, and allow the same to remain there at Night, to the Danger or personal Damage of any Person, or of any Animal or Carriage passing thereon, all due and reasonable Precaution and Care not having been taken by such Surveyor, or Road Contractor, to prevent or obviate any such Danger or Damage: Surveyors of Roads allowing Material to remain at Night.

57. Any Person, who shall, upon any Road, or within the Distance of Sixty Feet from the Centre of any Road, discharge, let off, cast, or throw or use, or shall permit or suffer to be discharged, let off, cast, thrown or used, any Firework, or discharge any Firearm or detonating Powder or Substance, or any Fireball, Tar or Pitch Barrel, or any other Description of Firework or Fire, or who shall cast, throw, or discharge the same, or suffer the same to be cast, thrown, or discharged, from out of or in his House, Lodging Room, Habitation, Grounds, or Premises, or from or out of any Place under his Control or Management, into or upon any Road or Passage, Lock, Basin, Docks, navigable Stream or Canal, or other public or private Property: Discharging Fireworks.

58. Who shall throw or discharge any Stone, Missile, or Thing to the Danger, Hurt, or Damage of any Person or Property, or to the Danger or Annoyance of the Owner, Occupier, or Inmate of any Premises, where or wherein or whereto any such Offence shall be committed; Discharging Stones, or Missiles.

Offences on public Roads.

Negligence in driving Cattle.

59. Or who, by Negligence, Misconduct, or Ill-usage in riding, or driving, or leading any Animal, shall, in any Road or any Street of a Town or Village, cause any Damage or Mischief to be done by such Animal:

Slaughtering Beasts on Road.

60. Who shall upon any Road slaughter or dress any Beast or Animal, or leave any dead Beast or Animal or any Part thereof, (except in the Case of any Cattle over-driven which may have met with any Accident or Disease, and which for reasonable Cause ought to be killed on the Spot,) or permit any Beast or Animal to be flayed or skinned within Thirty Feet of the Centre of any Road (save within any House or enclosed Yard):

Showing Horses, &c., in public Road.

Repairing Carriage on public Road.

61. Any Person who shall use any entire Horse or Animal for gain, or exhibit in a Show, Caravan, or Booth, or otherwise, any Show or public Entertainment, or shall upon any Road shoe, bleed, or farry any Horse or any Animal (except in case of Accident or Necessity), or cleanse, dress, exercise, train, or break or turn loose any Horse or Animal, or make or repair any Part of any Carriage or Vehicle (except in case of Accident, where Repair on the Spot is necessary) in any Road:

Scalding Casks, &c.

62. Any Person who shall hoop, scald, or fire any Cask or Cart or Carriage Wheel or Tire, or beat any Flax, or thresh or winnow any Corn, Grain, or Pulse, on any public Road, or within Thirty Feet of the Centre thereof (save within any House or enclosed Yard):

Drying Flax, burning Weeds, &c.

63. Any Person who shall dry, or expose or place for bleaching or drying, any Flax or any Material, or burn any Bricks, Ballast, Clay, Stone, or Lime, or any Weeds or Vegetables to or for Ashes, or make or assist in making or feeding any Fire commonly called a Bonfire, or any other Kind of Fire, upon any public Road, or within Sixty Feet of the Centre thereof (save within any House or Erection, or enclosed Yard, Garden, or Field, and not being within the above Distance):

Sawpits in Road.

64. Any Person who shall make or have any Sawpit, or any Pit, Hole, Cutting, or Ditch, on or by the Side of any public Road;

Obstructing Passengers by projecting Bars, &c.

65. Or shall lead or drive any Animal on any Road, carrying any Bar or Rod, Pole or Stick, of Metal or Wood, or Basket or Pannier, or any other Matter or Thing whatever, so that the same or any of them shall project more than Thirty Inches from the Side of such Animal, or so as to obstruct or impede the Passage of any Person, Animal or Carriage upon or along such Road:

Hawkers, &c. pitching Tents.

66. Any Hawker, Pedlar, Dealer, Higgler, Gipsey, Mendicant, Tramp, or other Person travelling with or without any Machine,

Offences on public Roads.

chine, Cart, or Carriage, or Vehicle of any Description, with or without any Animal, who shall pitch, erect, place, or have the same, or any Tent, Booth, Stall, or Stand, upon, or encamp upon, any Road or by the Sides thereof, or upon any Way or Passage leading out of any Road, either for the Use of the Public or private Persons:

Blacksmith's Shops.

67. Any Smith, or Cooper, Wheelwright, or other Person, occupying a Smith's, Wheelwright's, or Cooper's Shop and Premises, or any Premises where a Glare from any Furnace, Forge, or Fire can be seen, and having any Window, Door, or Opening fronting or opening upon any Road, and shall not by good close Shutters, Door, or other secure Means, every Evening after it becomes Twilight, and also sufficiently screen during the Daytime, the Light and Glare from such Shop and Premises from shining into or upon any Road:

Leaving Carriages by the Side of Road, except in case of Accident.

68. Any Person who shall leave or have any Carriage or Vehicle, or any Implement of Husbandry whatever, and whether any Beast of Draught or Animal shall be harnessed or yoked thereto or not; upon any Road or the Sides thereof, without any proper Person being in the sole Custody or Care thereof, or longer than may be necessary to load or unload the same, or to remove the same when unloaded, except in case of Accident, and in case of Accident for a longer Time than may be necessary to remove the same, or shall not place such Carriage or Vehicle, or Implement, during the Time of loading or unloading or repairing the same, or during reasonable Time of taking Refreshment by Man, or Bait for Animal, as near to One Side of the Road as conveniently may be:

Laying Stones, Timber, &c.

69. Any Person who shall lay, place, or leave any Timber, Stone, Hay, Straw, Litter, Haulm, Dirt, Dung, Manure, Turf, Soil, Ashes, Rubbish, or Scourings of any Drain or Ditch, or other Object or Matter or Thing, on any Road or Way or the Side or Sides thereof, or the Footway or Causeway adjoining, or within Thirty Feet of the Centre of any Road, so as to cause or whereby might be occasioned Danger, Mischief, or Interruption to any Passenger, or to any Person travelling or passing therealong;

Litter, &c., may be laid on Road in case of Sickness.

But it shall not be deemed an Offence to lay Sand or other Materials in any Thoroughfare in Time of Frost, to prevent Accidents, or Litter or other Materials, to prevent the freezing of Water in Pipes, or for other similar Purposes, or in case of Sickness or Accident to prevent or deaden Noise, if the Party laying or causing the same to be laid shall cause them to be removed as soon as the Occasion for them shall cease:

Offences on public Roads.

Neglecting to remove Materials.

70. Any Person, for every Day after the Owner or Person using, owning, or claiming the same shall neglect or refuse, after Notice having been given to him, or having been required by the Surveyor, to remove from or shall leave or allow to remain upon any Road or Street or by the Side thereof, any Dung, Straw, Litter, Rubbish, Scourings, Clay, Stones, Bricks, Sand, Lime, Earth, Soil, or other Material or Thing:

Carting Nightsoil at unseasonable Hours.

71. Any Person who shall cart, convey, or remove on or along any Road, in any Town, or Village, any Nightsoil or Drainage, Refuse, or any offensive Matter or Liquid or Substance, between Two Hours after Sunset and One Hour before Sunrise, or shall wilfully or carelessly slop or spill or suffer to run or drop from any Vehicle any such offensive Matter, Liquid, or Substance, or who shall not carefully sweep and clean every Place in which or where the same shall have been emptied, placed, slopped, or spilled, or who shall at any Time use for any such Purpose any Cart, Carriage, or Contrivance without having a proper close Cover to the same, and keep the same shut and closed:

Suffering Filth to flow on Road.

72. Any Person who shall suffer any Filth, Dirt, Earth, Rubbish, Lime, Blood, Draining, or any offensive Matter or Liquid or Thing whatsoever, to run, fall, or flow from any Manufactory, Brewery, Gasworks, Slaughter-house, Butcher's Shop, or Dunghill, or from any other Premises whatever, into or upon any Road or the Sides or open Gutters or Drains thereof, or open or uncovered Place, whether or not surrounded by a Wall or Fence, or into any Sewer, Pipe, or Drain, or into any Well or Spring of Water, or Watercourse, Pond, or Reservoir, or Receptacle for Water.

or into any Well of Water.

Injury to Mounds by Cattle straying on Road.

73. Any Person driving or having the Care of any Animal or Poultry, who shall suffer the same to stray, or feed, or graze, upon, or by the Side of, any Road, or to root up or damage any Part of any Road, or the Fences, Hedges, Banks, Mounds, or Bounds, or Plantation or Copse, on either Side thereof:

Placing Clothes on Fences to dry.

74. Any Person who shall hang out, or place on any Hedge, or Fence of any Description, of, or adjoining any Road, or upon any Line or in any other Way within the Distance of Thirty Feet from the Centre of any Road, (unless within a properly screened Fence,) any Clothes or Materials to dry, or bleach, or for any other Purpose, so as to frighten or calculated to frighten or startle any Horse, Mule, or Ass, whether being ridden or driven on such Road:

Turning Animals loose on Roads.

75. Any Person who shall, in or upon any Part of any Road or the open Sides thereof, or in any Street of a Town or Village, turn

Offences on public Roads.

turn or have or suffer to be loose, any Horse or any Cattle or any Animal, or shall set on or urge one Animal to attack or worry another Animal or any Person:

Allowing Cattle to wander on open Land by the Side of any Road.

76. Any Person driving, or conducting, any Cattle, or Animals, along any Road or Way having open or unenclosed Land by the Side thereof, who shall suffer the same to stray on such Land, or shall not use due Diligence in the driving of, or conducting, such Cattle or Animals upon or along such Road, or suffer the same to feed or depasture on such Road, or by the Side thereof:

Injuries to public Roads.

Omitting to secure Ditches.

Obstructing Passage of Water.

77. Any Owner or Occupier of any Land, or any Premises adjoining or contiguous to any Road, who shall omit to scour, cleanse, or keep in repair any Ditch or Drain leading from or out of such Road, so as to allow the Water and Runnings off, of, such Road to pass away, or shall neglect to do so within Seven clear Days after Notice shall have been given to him, or left at his Abode by the Surveyor; or who shall suffer the Passage of the Water to be obstructed, by making or leaving any Way or Passage from any Road, into the adjoining Lands, or into his House or Premises, without a sufficient Pipe, Sewer, Gullet, or Waterway underneath it:

Deepening Ditches.

Erecting Fences.

Injuring Surface of Road.

What shall be deemed the Centre of the Road.

78. Any Person who shall, without the Consent of the Surveyor, scour, deepen, or widen any Culvert, Drain, or Watercourse on the Side of or across any Road; or who shall build any Wall, or erect any Building or any Fence, or make any Ditch, Drain, or Watercourse, or dig any Pit or Hollow on any Road, or within Fifteen Feet of the Centre thereof (save upon or within any ancient Fence adjoining such Road); or who, without the Consent of the Surveyor, or unless under the Powers given by some Act of Parliament, in any Manner breaks up the Surface of any Road, (and the Centre of the Road, for the Purposes of this Act, shall be deemed to be the Centre of the Part thereof, when, and where, made with Gravel, or Stones, or other Material):

Casting Soil into Ditch to obstruct the Watercourse.

Fouling Water at drinking Places.

79. Any Person who shall cast, throw, or put any Soil or anything whatever into any Drain, Ditch, Culvert, Tunnel, or Watercourse, so as to obstruct any Water or Liquid from running or draining off any Road, or the Side of any Road, or into, through, or along any such Drain, Ditch, Culvert, Tunnel, or Watercourse; or shall throw or place any Stones or other Things whatever, or shall foul or discolour the Water of any public or private Spring, Pond, Well, Pump, or watering or drinking Place:

Injuries to public Roads.

Taking Materials, Scrapings, &c. without Consent.

80. Any Person who shall, without being authorized by the Surveyor or by any Person to whom he has disposed of the same, scrape any Road, or cut Sods or Turfs on the Side of any Road, or dig or take any Earth, Clay, Stone, Gravel, Sand, or Material, from or out of any such Road, or shovel up, scrape, gather, or take or carry away Dirt, Mire, Drift, Soil, or Scrapings on, off, or from any Road or the Sides thereof:

Disturbing Toll-gate Keepers.

81. Who shall wantonly, or without reasonable Excuse, arouse or call up any Toll-gate Keeper, or Toll Collector, at any Turnpike Gate, or Bar, during the Night:

Toll-gate Keeper being abusive.

82. Any Toll-gate Keeper, or Toll Collector, who shall purposely or negligently, keep any Passenger, or Animal, waiting at any Gate, or Bar, to pass through, or shall refuse to open such Gate, upon Demand being made by any Person desirous of passing through the same with any Animal, or Vehicle, or on being paid or tendered the proper Toll, or shall make use of abusive or improper Language to any Passenger or Person passing on the Road:

Damaging Turnpike Gate, &c.

83. Any Person who shall wilfully damage, any Turnpike Gate or Pay Gate, or any Post, Rail, Chain, Bar, or Fastening thereof, or any other Fence of any kind whatever, which shall be used to prevent Passengers from passing by without paying the Toll payable by virtue of any Act of Parliament, or any Toll House or Erection for the Use or Convenience of any such Turnpike Gate or Pay Gate:

Injuring Road, Fences, &c.

Injuring Drains.

Injuring Surface of Road.

Destroying Posts, &c.

Injuring Banks,

Bridges, and Parapets.

Damaging Milestones, Direction Posts, &c.

84. Who shall injure or damage, or shall cause any Injury or Damage whatever, to be done or occasioned to any Road, or to any Hedge, Post, Rail, Fence, Mound, or Bound thereof, or thereto adjoining, or to any Drain or Watercourse, or Pipe, Arch, Sewer, Tunnel, or Gullet of or belonging to any Road, or under or by the Side of or adjoining thereto; or shall wilfully destroy or injure the Surface of any Road; or shall wilfully or wantonly pull up, cut down, remove, damage, or destroy any Post, Block, Stone, Rail, Chain, or Fence fixed or placed on any Road, or by the Side or for the Use thereof: or shall dig, cut down, or injure any Bank, Mound, or Bound, or Fence of any Description, placed or maintained or kept as Security or Defence of any Road or any Part thereof; or shall break, deface, damage, loosen, throw, or pull down, or take away any Stone, Brick, Wood, Iron, or any Metal or Material whatever, fixed upon or forming Part of any Bridge, or any Parapet or Battlement thereof, or any Part of the same or otherwise; or shall pull up, loosen, obliterate, deface, destroy, or do any Injury or Damage to any Milestone, or Thing denoting Distance,

Injuries to public Roads.

Distance, or Way Post, or graduated Boundary or Direction Post, Stone, or Pillar, or Thing, or any Part of the same, erected or placed upon any or at the Side of any Road; or pull down, break, injure, or damage any Table of Tolls put up or affixed at any Toll Gate, or Bar, on any Part of any Turnpike Road, or wilfully or designedly deface or obliterate any Inscription, Letter, Figure, or Mark thereon:

Wilfully injuring Toll Tables, &c.

85. Every Surveyor, or Road Contractor, who shall make or allow to be made, or suffer to be used, any Quarry or any Excavation, for Road Material, or any Pit for sawing Timber or Wood, or any Pit or Hole or Excavation for any other Purpose, on, under, or by the Side of any Road within the Distance of Fifteen Feet of the Centre of any Road, or shall not beyond that Distance securely fence off any Quarry or Excavation, or any Pit or Hole opened or made for any Purpose, and fill up and level the same, when the Purpose for which it was made, or opened, shall have been answered, or shall remain open, or not filled up, or levelled, longer than may be reasonably necessary, for the Purpose for which made or opened:

Penalty on Road Surveyor allowing Excavations to be made.

86. Any Surveyor, or any other Person, who shall dig, raise, take, or carry away any Gravel, Stones, Sand, or any Materials or Earth from the Side of any Road, or from any Beach or Sea Shore, whereby a Road, or Bulwark, Bank, or Defence to any Bridge or Building, or any Land within the Fences of such Road, may be injured; and also shall be liable to a Fine not exceeding *Ten Shillings* for every Cartload of such Gravel, Stones, Sand, Materials, Earth, Scrapings, or Cleanings so dug, raised, taken, or carried away:

Taking Materials to the Injury of Road.

87. Every Person who shall expose any Thing for Sale, or Show, in any Park, or public Garden, (or Grounds,) unless with the Consent of the Owner or other Person authorized to give such Consent, or shall neglect to provide Spouting, or Channels, to prevent or carry off any Drippings or Water from any Building or Projection, so as to cause any Annoyance or Obstruction in any Thorougfare:

Exposing Things for Sale in Parks without Owners' Consent.

88. Every Person, who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault, or Cellar, or the Entrance from or to any Vault, Cellar, or Room underground, without sufficient Fence, Handrail, or Protection, or leave defective or insecurely fastened the Door, Window, or other Covering of any Vault or Cellar or Excavation, or who shall not fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare, or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Leaving Vaults, Cellar Doors, &c., insecurely fastened.

Injuries to public Roads.

Assaulting Engineer or Surveyor in execution of his Duty. 14 & 15 Vict. c. 92. s. 9.

Injuring Surveyors Instruments.

89. Any Person who shall wilfully prevent or assault, or threaten to prevent or assault, any Road Surveyor in the Execution of his Duty, or any Person or Persons employed by proper Authority in surveying or measuring or laying out any Survey or Line intended for a new Road, or who shall wilfully destroy, pull up, deface, or injure any Surveyors Instruments or Implements used in making or laying out any public Road:

Using new Road for certain Time after making. 14 & 15 Vict. c. 92. s. 9.

90. It shall be lawful for any Two Justices, upon Application of any Surveyor, to forbid any Person or Persons from riding or driving any kind of Beast or Carriage on any new Road for such Space of Time as shall to them appear necessary, not exceeding *Six* Months after such new Road shall have been made, laid out, completed, or certified; and any Person who shall wilfully disobey such Order (the same being duly notified by a Notice affixed to a Board or Boards erected upon such Road) shall be liable to the Penalty above set forth:

Surveyor may require Owner or Occupier of Land to remove Obstructions, &c., and to prune Hedges or Trees injuring Roads. 3 G. 4. c. 126. ss. 131, 132. 5 & 6 W. 4. c. 50. ss. 65, 66, 67. and 14 & 15 Vict. c. 92. s. 9.

And if the Road Surveyor shall think that such Road is prejudiced by any of such Neglects or Offences as aforesaid, or by the Shade of any Hedges or Trees (except those planted for Ornament or Shelter of any Dwelling House, Courtyard, or Garden), or that any Obstruction is caused in any Road by any Hedge or Tree, it shall be lawful for such Surveyor, by Notice in Writing given to the Party, or served at his usual Place of Abode, or sent through the Post Office directed to him there, to require the Person who shall be guilty of any such Neglect or Offence, or the Owner of the Land on which such Hedges or Trees are growing, as the Case may be, to fill up any Ditch or Drain which shall have been so scoured, deepened, or widened, or to scour any Drains which have been so filled on the Side of any Road without the Consent of the said Surveyor or by Authority of Law, or to scour or deepen any Drain or Ditch in any Lands adjoining to or leading from any Road which shall be omitted to be scoured or deepened after due Notice by such Surveyor, or to remove any Way or Passage from any Road into any adjoining Land or to any House which may obstruct the free Passage of the Water, or to re-make the same by building a Gutter, Sewer, or Arch therein, or to pull down any Wall or fill up any Ditch or Drain the building of which shall have been an Offence against the Provisions of this Act, or to cut or plash such Hedges, or to prune or lop such Trees, so as that such Road may not be prejudiced or obstructed by the same; and if such Person or Owner shall not comply with such Request within *Ten* Days after such Notice, it shall be lawful for such Surveyor as aforesaid to summon such Person or Owner before the Justices assembled at any Petty Sessions,

Occupiers or Owners not complying to be summoned before Justices at Petty Sessions; who may order Ob-

Injuries to public Roads.

structions, &c. to be removed; and on Refusal the Surveyor may do it at Expense of Owner or Occupier. Expenses may be levied by Distress and Sale; but Trees, &c. not to be cut or pruned at certain Seasons. 5 & 6 W. 4. c. 50. ss. 65, 66, 67. and 14 & 15 Vict. c. 92. s. 9.

Sessions, to show Cause why he has not complied with such Request; and upon the Hearing of such Case it shall be lawful for such Justices, if they shall see fit, to order that such Person or Owner shall act as required by such Notice as aforesaid; and if the said Person or Owner shall not obey such Order within *Ten* Days after the making of the same, it shall be lawful for such Surveyor, if so directed by the Justices, to enter into and upon any Land or Premises to do all or any of the said Acts so required by such Notice, for the Benefit and Improvement of such Road, or to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and at the Expense of such Person or Owner; and it shall be lawful for such Justices, upon Complaint of such Surveyor as aforesaid, and upon Proof of the Expenses incurred, to issue their Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of such Person or Owner: Provided always, that no Person shall be compelled, nor any such Surveyor as aforesaid permitted, to cut or prune any Hedge at any other Time than between the last Day of September and the last Day of March:

Public Carriages.

Any Person who shall commit any of the next following Offences on any Road or in any Street of a Town (in addition to any Civil Action to which he may subject himself):

Carrying more than a certain Number: 14 & 15 Vict. c. 92. s. 11.

91. Any Driver, Owner, Conductor, or Guard of any Coach, Omnibus, Car, Caravan, or other Carriage, by what Name soever the same is or shall hereafter be called or known, which shall be employed as a public Carriage for conveying Passengers for Hire, Charge, or Fare, who shall permit more Passengers to be carried by the same than the Number for whom Seats shall be respectively provided, Inside or Outside of the same, allowing a Space of at least Sixteen Inches for each Passenger, over and above the Space allotted to the Driver and Guard, when there is a Guard; (but no Child under Seven Years of Age shall be included in or counted as One of such Number;) and it shall be lawful for any Justice or Constable to stop any such Carriage, which shall appear to carry a greater Number of Passengers than the above, and to measure the Seats of same, in order to ascertain whether sufficient Space has been allotted to the Passengers:

Carrying Luggage on the Top of any Carriage with Inside Passengers exceeding a certain Height:

92. Any Driver, Owner, Conductor, or Guard of any such public Carriage who shall allow any Passenger to sit upon the Top of any Luggage, or upon any Part of such Carriage not intended to carry Passengers, or who shall carry or permit or suffer any Parcel or Parcels of Luggage whatever exceeding Two Feet in Height above the Roof, to be conveyed on any such Carriage carrying Inside Passengers:

Public Carriages.

Omitting to paint Number of Passengers to be conveyed on the Doors, &c. of public Carriages:

93. Any Person who shall keep and employ any such public Carriage, and who shall not paint or cause to be painted on the Outside of the Door, or of each Door when there shall be more than One, of such Carriage, or on some other conspicuous Part of such Carriage where there shall be no Door, or in the Inside of such Carriage, in a conspicuous Place, in legible Letters of at least One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, the Number of Passengers which such Carriage shall be intended to carry, together with the Name or Names of the Person or Persons or Firm of the Company of Proprietors to whom such Carriage shall belong, or who shall cause any such Carriage as aforesaid to be employed or used for carrying any Passengers for Hire without having the said Words painted in such Manner as is herein-before directed:

Misconduct of Drivers, &c. to Passengers, &c.

94. Any Driver, Conductor, or Guard of any such public Carriage who shall wilfully mis-spend or lose Time on the Road, or who shall use abusive or insulting Language to any Passenger, or who, by reason of Intoxication, Negligence, or other Misconduct, shall endanger any Passenger in his Life or Property, or the Property of any other Person with which he may be intrusted, or who shall demand or exact more than the proper Fare due from any Passenger; and in any such Case the Justices may, in addition to the Fine, order such Offender to repay to any Party so aggrieved any Sum so exacted, or a reasonable Compensation for any Damage or Loss caused by any such Offence:

Drivers leaving their Horses until a proper Person shall stand at their Head;

or allowing others to drive.

95. Any Driver of any such public Carriage who shall (at any Place or Places where Assistance can be procured) quit his Horse or Horses, or any Animal drawing the same, or the Box of such Carriage, until a proper Person or Persons shall stand at the Head of the Horse or Horses or Fore Horse or Fore Horses, Animal or Animals, or shall hold the Reins so as to prevent them from running away; or any such last-mentioned Person or Persons who shall not remain at their Head or hold the Reins until the Driver has returned to his Box; or any Driver of any such Carriage who shall intrust the Reins to any other Person to drive such Carriage, or any Person who shall so take such Reins and drive such Carriage:

Carts and Waggons.

Where Names of

96. Any Owner of any Waggon, Cart, Car, Dray, or other Carriage used for the Conveyance of Goods, who shall use or allow the

same

Carts and Waggons.

same to be used on any Road or Street without having his Name and Residence and Occupation painted upon some conspicuous Part of the Right or Off Side of such Carriage, in legible Letters not less than One Inch in Height, and in a different Colour from the Ground on which the same is painted, and in Words at Length, or if the Name shall be wholly or partially illegible, or who shall paint or cause to be painted any false or fictitious Name, or Residence, on such Carriage, or shall have or use any Carriage with any false or fictitious Name or Place of Abode painted thereon, or with the Name and Residence painted on any loose or shifting Plate:

Owners are not painted on Carts, &c.
3 G. 4. c. 126. ss. 131, 132.
4 G. 4. c. 95. s. 15.
5 & 6 W. 4. c. 50. s. 76.
14 & 15 Vict. c. 92. s. 12.

97. Any Person who shall act as the Driver, or have the sole Charge of more than One such Carriage as last aforesaid, on any Road, unless in the Cases where Two of such Carriages and no more, shall be drawn each by One Horse or Animal only, and the Horse or Animal of the hinder of such Carriages shall be attached by a sufficient Rein close to the Back of the foremost of such Carriages:

No Driver to take charge of more than One Cart, &c., except in certain Cases:
3 G. 4. c. 126. ss. 131, 132.
5 & 6 W. 4. c. 50. ss. 76, 77, 78, 79.

98. Any Person, having the Care and Charge of any such Carriage as last aforesaid, who shall ride upon the same, or on the Shafts or upon any Horse or Animal drawing the same, on any Road, except where he shall be accompanied by some Person on Foot or on Horseback to guide the same, or where such Carriage shall be driven with Reins, and be conducted by some Person holding the Reins and having the Control of all the Horses and Animals drawing the same:

Drivers of Carts riding thereon without some other Person to guide the Horse:

99. Any Driver of any such Carriage, as last aforesaid, who shall quit the Road, and go on the other Side of the Hedge or Fence enclosing the same, or who shall negligently or wilfully be at such Distance from such Carriage, or in such a Situation that he cannot have the complete Direction or Control of every Horse, or Animal, or Horses, or Animals drawing the same, or who shall leave any such Carriage on such Road, or Street, so as to obstruct the Passage thereof:

Drivers leaving their Carts:

100. Any Driver of any such Carriage as last aforesaid, not having the Owner's Name thereon as hereby required, and remaining legible thereon, who shall refuse to tell or to discover or disclose the true Christian and Surname, and Residence, of the Owner of such Carriage:

Driver refusing to tell Owners Names.

101. Any Person who shall ride upon, or cause himself to be carried or drawn upon, any Carriage without the Consent of the Owner, Occupant, or Driver thereof:

Persons using Carriages without Driver's or Occupant's Consent.

Rules of the Road.

102. Any Person driving any Carriage whatsoever, or riding any Horse or Animal, who, meeting any other Carriage or Horse or Animal, shall not keep his Carriage or Horse or Animal

Keeping on wrong Side of the Road:

Rules of the Road.

on the Left or Near Side of the Road or Street, or if, passing any other Carriage or Horse or Animal going in the same Direction, shall not in all Cases where it is practicable go and pass to the Right or Off Side of such other Carriage or Horse or Animal:

Passing with a led Horse.

103. Any Person riding any Horse, and leading any other Horse or Animal, who shall not keep such led Horse, on the Side farthest away, from any Carriage, or Person, passing him, on any Road, or in any Street of a Town:

Obstructing free Passage or Crossings:

104. Any Person who shall in any Manner wilfully, or by Negligence or Misbehaviour, prevent or interrupt the free Passage of any Person, or Carriage, on any Road, or any Street or Crossing:

Furious driving:

Negligent driving:

105. Any Person riding any, Horse or Animal, or driving any Sort of Carriage, who shall ride or drive the same furiously, on any Road or Street, so as to endanger any Passenger or Person, or to the common Danger of the Passengers, or Persons, in any Thoroughfare, or who shall by Carelessness or wilful Misbehaviour cause any Injury to any Person or Property on any Road or Street:

Children under Fourteen Years not to drive.

106. Any Person who shall permit, or have any Cart, Dray, Waggon, or other such Carriage, or Hackney Car, Cabriolet, or Carriage, or Cabriolet, Car, or Carriage let on Hire, travelling on any Road or Street, be driven by any Person who shall not be of the full, or apparent, Age of Fourteen Years.

Special Provisions as to Proceedings for Road Offences.

VII. The Mode of proceeding as to any of the said Offences committed upon Roads or Streets shall be subject to the following special Provisions:

Constables to take cognizance of Offences, and summon Offenders, if known, in any Petty Sessions where found.

14 & 15 Vict. c. 92. s. 14.

1. The Superintendent, Inspectors, and other Constables of the Constabulary Force, where a Constabulary Force is established, and the Parochial Constables in other Cases, and the Surveyor or Road Contractor, and all Persons employed by such Persons upon any Road, shall take cognizance of all such Offences, and shall, in every Case where the Name and Residence of any such Offender is known or can be ascertained, summon him either before the Justices of the Petty Sessions Division in which the Offence shall be committed, or before the Justices of any other Petty Sessions Division in which such Offender may reside, or be, at the Time of taking such Proceeding, and such Justices are hereby authorized to hear and determine such Case, either upon the Complaint of such Superintendent, Inspector, or other Constable, or of any other Person:

If Offender not known, may be arrested.

2. Where such Offender, or the Name and Residence of such Offender, shall be unknown and cannot be ascertained, he may, with or without any Warrant, be arrested by any Constable, Surveyor, Contractor, or any Person whom he may call to his Assistance, and

Special Provisions as to Proceedings for Road Offences.

Proceeding if Offender will not disclose his Name. 5 & 6 W. 4. c. 50. s. 79. 14 & 15 Vict. c. 93. s. 12.

Horses, Carriages, &c. of Offenders may be betained.

and deliver any Offender into the Custody of a Constable; and if any such Person shall refuse to discover his Name, or shall be unknown, it shall be lawful for the Justice before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to Gaol for any Time not exceeding *One Month*, or to entertain any Proceeding against him for the Penalty aforesaid, by a Description of his Person and Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name or was unknown; and whenever any Person having Charge of any Horse or Animal, or of any Cart or Carriage, shall be so taken into Custody by any Constable, it shall be lawful for such Constable also to take Charge of such Horse, Animal, Cart, or Carriage, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had Charge thereof may become liable; and it shall be lawful for the Justice or Justices by whom the Case shall be heard to order that, in default of such Penalty, and the Expenses of keeping such Horse, Animal, Cart or Carriage, being paid, the same shall be sold, for the Purpose of satisfying such Penalty and Expenses in like Manner as if the same had been subject to be distrained, and had been distrained for the Payment of the same:

On Offences by Driver the Penalty may be levied on Master. 4 G. 4. c. 95. s. 73.

3. Where any Offender, not being the Owner, shall, in respect to any Offence committed with, or, by the Means of, any Horse, Animal, or Carriage whilst in his Care or Charge or under his Control, abscond or absent himself so as not to be found, or cannot be discovered, the Owner of such Horse or Animal or Carriage, or the Person employing such Offender, or under or by whose Orders he was acting, shall be liable to the Penalty incurred by such Offender:

Justice may order Removal of Nuisances. 14 & 15 Vict. c. 92. s. 14.

4. It shall be lawful for the Surveyor, or any Constable duly authorized in Writing by any Surveyor or by any Justice, to remove any of the herein-before mentioned Objects which may be left on any Road or Street, or by the Side thereof, contrary to the Provisions of this Act, at the Expense of the Offender: Any Justice may at any Petty Sessions, upon Complaint of any such Surveyor or Constable, and upon Proof of the Expense incurred, issue a Warrant for the Levy of such Expenses by Distress and Sale of the Goods and Chattels of the Offender:

Compensation (not exceeding 10*l.*) for Damage recoverable before Justices in such Cases. 14 & 15 Vict. c. 92. s. 14.

5. In every Case where any Hurt or Damage shall have been caused by the Commission of any of the said last above-mentioned Offences against or upon Roads, the Justice, upon the Hearing of the Complaint, may, in addition to the Penalty herein provided, order the Party offending, or in the Case

Special Provisions as to Proceedings for Road Offences.

of an Offence by the Driver of any Carriage, the Owner or such Carriage, forthwith to pay for Compensation to the Party aggrieved a Sum not exceeding *Ten Pounds* (provided such Amount of Damage shall have been proved); and any Sum which shall be so paid by the Owner shall and may in like Manner be recovered by him in a Summary Way before the Justices from the Driver through whose Default such Sum shall have been so paid, upon Proof of the Payment thereof pursuant to the Order of the Justice:

Owners may recover over against Drivers.

Summons for the Driver of Stage Carriage left with the Book-keeper to be good Service.

14 & 15 Vict. c. 92. s. 14.

6. Any Summons issued by any Justice, requiring any Owner, Driver, or Guard of any such public Carriage to appear before him to answer any Complaint for any such Offence, shall be deemed good and sufficient Service in case the same be left with the known or acting Book-keeper, or with any other Person having the Care of any Office, where Places are usually taken, or Parcels received for such Carriage.

FOURTH CLASS OF OFFENCES.

Assaults.

FOURTH CLASS OF OFFENCES.

VIII. Any Person who shall commit any of the next following Offences shall be liable, for the First Offence to pay a Fine not exceeding *Ten Pounds;* or to Imprisonment for a Term not exceeding *Three* Calendar Months; and for a subsequent Offence to pay the like Fine not exceeding *Ten Pounds;* or to Imprisonment for a Term not exceeding *Six* Calendar Months:—

Assaulting Constables on being apprehended.

1. Who, being lawfully apprehended by any Constable or Peace Officer, for having committed or upon Suspicion of having committed any Offence, shall assault or resist any such Constable or Peace Officer, or any Person who shall aid or assist any Constable or Peace Officer in apprehending or detaining in Custody any Offender, or supposed Offender:

Assaulting Constables generally.

2. Who shall unlawfully assault or shall resist, or obstruct, any Police Constable or Constable appointed under any Constabulary Act, or under the Provisions of a Public or Private Act of Parliament:

Common Assault. 9 G. 4. c. 31. s. 27.

3. Who shall unlawfully assault or beat any other Person, or aid, abet, assist, or encourage any Person to assault or beat another:

Assault on Workmen to prevent them working. 9 G 4. c. 31. s. 26.

4. Who shall unlawfully, and with Force, or by Threat or Menace, hinder or prevent, or seek or endeavour to hinder or prevent, any Person from obtaining, working, or being employed at or from using, exercising, or following any lawful Profession, Trade, Business, Work, Occupation, Craft, Calling, Labour, or Employment:

Assault with Intent to obstruct the buying or selling of

5. Who shall use any Violence, Threat, or Menace to any Person, with Intent to deter, hinder, or prevent such Person, or his or her Agents or Servants, from selling or buying or dealing in, or at, any Market, or Place used as and for a Market, or for public

Assaults.

Food in any Market. 9 G. 4. c. 31. s. 26.

public Sale or Barter, any Corn, Grain, or any Food for Man or Beast, or any Article or Thing which might or could be made or converted into Food of or for the Use of Man or Beast, or shall assault or use any Violence, Threat, or Menace to any Person having the Care or Charge of, or whilst conveying any Corn, Grain, Food, Article, or Thing aforesaid to or from any Market, or Town, Warehouse, or any Place whatsoever, with Intent to stop, hinder, obstruct, or prevent the Conveyance of the same:

Assaults committed on board Merchant Vessels. 5 & 6 W. 4. c. 19. s. 38.

6. Who shall commit any Assault, or Battery, on board any Merchant or Trading Ship or Vessel belonging to any Subject of the United Kingdom, or on board any Ship or Vessel employed in trading to any Port in the United Kingdom, either when on Sea or in Port, or whilst engaged in the Coasting Trade, or out of Her Majesty's Dominions:

Justice in any Part of Kingdom to have Jurisdiction.

And any Justice in any Part of Her Majesty's Dominions may hear and determine such Assault or Battery, notwithstanding it arose at Sea, or out of his ordinary Jurisdiction, and upon the Complaint of the Party aggrieved:

Provision not to extend to Cases of Assault deemed fit for Indictment. 9 G. 4. c. 31. s. 29.

Not to extend to Assaults where Title to Land is disputed;

but Justice may order Parties to enter into Recognizance.

And in case the Justice, or Justices, shall find the Assault complained of, to have been accompanied by any Attempt to commit Felony, or shall be of opinion that the same is from any other Circumstance a fit Subject for a Prosecution by Indictment, he or they shall abstain from any Adjudication thereupon, and shall deal with the Case in all respects as would have been done if this Act had not been passed; and nothing herein contained as to any Assault, or Conviction for the same, shall or shall be deemed or taken to prejudice or in any way affect any Question which shall or may arise as to the Title to any Lands, Tenements, or Hereditaments, or any Interest therein or accruing therefrom, or as to any Bankruptcy or Insolvency, or any Execution under the Process of any Court of Justice; but every Justice or Justices may in such Case order all, or such of the Parties, as he or they shall think fit, to enter into Recognizance, and with or without Surety to keep the Peace for such Term and in such Sum as he or they shall think proper:

Weights and Measures.

Selling otherwise than by Weight. 5 & 6 W. 4. c. 63.

7. Who shall, or shall offer, send out, or attempt to sell or in any Manner dispose of, upon Contract or by Retail, or send or convey or carry out or about for Sale or Disposal or Delivery, or deliver to any Person, or for the Use of any Person, otherwise than by Weight, of the full Imperial Standard Weight according to the Standard in the Exchequer, or without having with him proper and correct Beams, Scales, Balances, Weighing Machines, and Weights and Measures, for the Purpose of weighing or of measuring;

Weights and Measures.

Neglecting or refusing to weigh.

Not having Weights in conspicuous Place in Shop.

Or shall neglect or refuse to weigh or measure, when thereunto required by a Purchaser or intended Purchaser, or by any Occupier of any House or any Premises, or any Person to whom, or with whom, shall be ordered to be delivered, or left, or by any Inspector of Weights and Measures; or if Weights, or Measures shall not be set up, maintained, and kept in some conspicuous and convenient Part, of his Shop, Place of Business, or Premises:

Using false Weights.

Or shall have or possess or shall make use of any false, fraudulent, defective, or deceptive or improper Weight, or Measure or Thing purporting to contain proper Weight, or Measure, Beam, Balance, Weighing Machine, Scale, or any Article or Thing for weighing, or used or to be used in or for weighing,—

Coal or Fuel.

Neglecting to send Delivery Ticket

False Statement in Ticket;

Coal or Fuel of any Description (except Faggots or Firewood), or shall neglect to send or deliver to the Customer, or to some Person on his Behalf, at his House or Residence, Office, or at the Place of Delivery, a Ticket with the true and proper Weight stated thereon; or shall deliver a Ticket with false or incorrect Weight or Statement thereon;

Bread;

Or any Bread, Flour, Meat, Malt, Meal, Potatoes, Roots, or Vegetable Production or Produce, (except Greens or Garden Green Stuff);

general Articles of Consumption;

Or any other Article or Thing whatever for Consumption by Man, or Beast;

Or for measuring any Milk, or Whey, or any Liquid sold or delivered by Measure;

Articles of Commerce; special Contracts excepted.

Or for weighing, or measuring any Article or Thing of Commerce, and bought or sold by Weight or Measure, unless such Article or Thing supplied, shall be as to the Sale and Delivery a Matter of special Contract, and Arrangement, between the Buyer, and the Seller:

Adulterated Articles.

Unwholesome or fraudulently prepared Meats and Provisions. 14 & 15 Vict. c. 92. s. 7.

8. Who shall kill, or slaughter, any Animal, for Human Consumption, which shall be diseased, or unfit for that Purpose, or who shall sell, offer, or expose for Sale or Disposal, or suffer to be sold or disposed of, or shall supply upon Contract or Agreement of Sale, any unwholesome or any fraudulently prepared Meat, Flesh, Poultry, or any Shell Fish or Fish, or any Provisions or Productions or Ingredients, or any Vegetables or Fruit, or any Food of any Kind or Description for Man or Beast, or required or intended to be used with or for the Food of Man; or shall practise any Deceit or Fraud in respect to the Quality, or Quantity, of any such Articles or Things before mentioned;

Adulterated Articles may be seized.

And shall in addition to the above Penalty for every Offence also be liable to have, any and every of such Weights or Measures, and also

FOURTH CLASS OF OFFENCES.

also all and every of such Articles, and Things, as are above-mentioned in Clause VIII., seized by any Constable, or Inspector of Weights and Measures, or Inspector of Health or of Nuisances, or by any Person for that Purpose appointed by any Justice, and to have the same destroyed, or disposed of by the Order of any Justice; and the Proceeds arising from any such Disposal to be applied as a Penalty is directed to be under this Act.

Adulterated Drinks.

Selling adulterated Drinks.

9. Who shall sell, or offer for Sale or Disposal, or shall send or supply, any Liquor, or any Ingredient, Article, or Thing for producing, or mixing with, altering, or changing the Name or Character of any Liquor or Drink sold or supplied for the Use, or Enjoyment of, or by Man, and which shall have been or shall be adulterated, or for the Purpose of Adulteration, or fraudulently prepared, or rendered noxious, baneful, or unwholesome, or unfit to be partaken of by Man;

Adulterated Drink may be seized.

Shall, in addition to the above Penalty for every Offence, also be liable to have all or any such Liquor or Ingredients seized by any Constable or Inspector of Health or Nuisances, or any Person thereunto appointed by any Justice, and to have the same destroyed or disposed of by the Order of any Justice; and when any Person shall commit an Offence against any of the foregoing Provisions, relating to Weights, and Measures, and adulterated Articles, and if such Person be in the Employ of another, the Justice may convict the Employer, or the Person having the Charge or Management of the Business of the Employer of such Person, in the same Manner as the Person who committed the Offence, and either in addition to the Punishment of any such Person or in substitution thereof.

The Employer of a Person may be proceeded against.

Any Person who shall steal, or damage with Intent to steal, or shall wilfully, unlawfully, or maliciously, or shall wantonly, cut, bark, break, throw down, raise, root up, remove, destroy, damage, spoil, deface, or render useless, or of less Value, the whole, or any Part of:—

Petty Larceny and Malicious Injury.

7 & 8 G. 4. c. 29. ss. 38, 39, 40, 42, 43.
7 & 8 G. 4. c. 30. ss. 20, 21, 22, 23.
Vegetable Productions in enclosed Land.

10. Any withered or decayed Tree, or any growing or alive Tree, Sapling, Willow, Shrub, Bush, Underwood, Shoot, Offshoot, Quick, Quicksets, or any Plant or Article planted or set, or any Bulb, Root, Fruit, Seed, Berry, Nut, Flower, or Vegetable, or Vegetable Production, of whatsoever Character or Description, and wheresoever the same may be or be growing, arising, or be produced, in open or enclosed Land, or in any House, Outhouse, or Shed, or in or near any Spring of Water, Pond, Stream, Rivulet, or Watercourse, or any cultivated Plant, Root, Fruit, or Vegetable Production severed from the Soil, or any Turf, Peat, or Mineral gotten or manufactured, or partly manufactured, prepared, or gotten, for Fuel.

Petty Larceny and malicious Injury.

Fences.

11. Any Wall, Gate, Stile, Chain, Bar, Rail, Hedge, Ditch, Embankment, Screen, or Mound, or any live or dead Fence of any Description:

Works of Art. (8 & 9 Vict. c. 44. s. 1. Indictable Offence.)

12. Any Statue, Monument, Ornament, Design, Pattern, Painting, Drawing, Engraving, Print, Decoration, Book, Manuscript, Paper Writing, Paper, or any other Substance or Material not before mentioned, or any Work of Art or Design, in, upon, or at any public or private House, Building, Room, Erection, Park, Garden, Ground, Walk, or in or at any other Place, wheresoever situate, other than before described, and whether the same shall be public or private Property, or in or upon any Carriage or Vehicle, or Ship or Vessel, or Raft, Float, or Boat:

Wilful Damage not before provided for. 7 & 8 G. 4. c. 30. s. 24.

Under the Value of 10*l*.

13. Who shall do or cause or be the Means whereby shall be done any Damage, Injury, Hurt, Loss, or Spoil, to any Person or Animal, or upon or to any Real, or Personal Property whatsoever, either of a public or private Nature, or to any public or private Property, or Person, for which no Remedy is already otherwise provided by this Act, and the Injury or Loss done or sustained being under the Value of Ten Pounds:

Master and Servants.

Persons giving Servants false Characters. 32 G. 3. c. 56. s. 1.

14. Whosoever shall falsely personate another Person, or as the Representative, in any Manner, Style or Description, of another Person, and shall either verbally, or in Writing, utter, or give any false, forged, or counterfeited Character to any Person, offering or about to offer himself to be hired, as a Servant in any Capacity, into the Service of another:

Falsely asserting Duration of Service. (32 G. 3. c. 56. s. 2.)

or Time of quitting. 32 G. 3. c. 56. s. 3.

15. Whosoever shall knowingly and wilfully pretend or falsely assert, or shall imply in Writing, or verbally, that any Servant, has been hired, or retained, for any Period of Time whatsoever, other than that for which he shall have hired, or retained such Servant, in his own Employment, or in or for the Service of another Person, or that such Servant was in his Service or Employ, contrary to the Fact, or that any Servant was discharged from, or left his Service, at any other Time, than that when such Servant did actually leave such Service, or Employment, or that any such Servant, had not been hired, or employed, in any previous Service, contrary to the Fact and Truth:

Servant falsely pretending to have served or hiring under false Certificate of Character. 32 G. 3. c. 56. s. 3.

16. If any Person shall offer to be Servant, or to serve, or enter into the Service of, or shall hire, or engage with any other Person, under or with any forged, false, or counterfeit Discharge or Certificate of Character, or shall in anywise add to or alter, efface, or erase, any Word, Date, Matter, or Thing contained in or referred to in any Certificate given by the last, or any

former

Master and Servants.

former actual Master, or Employer, or Person duly authorized by him for that Purpose:

17. Any Person having been before in Service, or in the Employ of any Person, shall, when offering to be hired or engaged as Servant in any Service or Employment, falsely and wilfully pretend not to have been hired, engaged, or retained, or to have been in or served in any previous Service as Servant.

Servant wilfully concealing Fact of previous Service. 32 G. 3. c. 56. s. 5.

FIFTH CLASS OF OFFENCES.

FIFTH CLASS OF OFFENCES.

IX. Any Person who shall commit any of the next following Offences shall be liable to pay a Fine not exceeding *Twenty Pounds;* or to Imprisonment for a Term not exceeding *Six Calendar Months:*—

1. Who shall unlawfully and wilfully steal, or damage with Intent to steal, or destroy, or damage with Intent to destroy or injure, any Bulb, Root, Plant, Fruit, Flower, Vegetable or Vegetable Production, being in, or growing in, any enclosed Garden, or in any Orchard, Nursery Ground, Shrubbery, Plantation, Pleasure Ground, Hothouse, Forcing House, Greenhouse, or Conservatory:

Stealing or destroying Vegetable Productions in enclosed Garden, &c. 7 & 8 G. 4. c. 29. s. 42. 7 & 8 G. 4. c. 30. s. 21.

2. Who shall commit an Assault, of an aggravated, or unprovoked Nature, upon any Female whatever, or upon any Male Child, whose Age or apparent Age shall not exceed Fourteen Years;

Aggravated Assaults on Females. 16 Vict. c. 30. s. 1.

3. Who shall unlawfully kill, wound, or take any House Dove or Pigeon; or any Rooks from Trees in inclosed Land:

Killing Pigeons. 7 & 8 G. 4. c. 29. s. 33.

4. Who shall steal or attempt to steal, or aid or assist in stealing or enticing away, any Dog or any domesticated Animal or Bird, or shall detain any such Dog, or Animal, or Bird, without the Consent of the Owner, and without reasonable Excuse, or in the Hope or Expectation of any Reward, or Sum of Money, or Money's Worth, being offered for its Restoration, or Finding; and such pecuniary Penalty to be over and above and in addition to the Value of any such Dog or Animal, not exceeding the Sum of Twenty Pounds:

Stealing Dogs, &c. 7 & 8 G. 4. c. 29. s. 31. 8 & 9 Vict. c. 47.

5. Who shall have in his Posssesion, or under his Control, or upon whose Premises shall be found, any Dog, or Animal, or Bird, or the Skin of any such Dog, or Animal, or the Skin or Plumage of any Bird, and being unable or refusing to give a satisfactory Account for the Possession thereof:

Having Possession of stolen Dogs or their Skins. 7 & 8 G. 4. c. 29. s. 32. 8 & 9 Vict. c. 47.

6. Who shall publicly advertise, or make known, or offer a Reward, or Recompence, for the Return, Recovery, or Possession of any such Dog, or Animal, or Bird, or shall use any Word, or Signification, purporting, or implying, that no Question will be asked, or no Steps be taken, to punish the Offender; or shall cause to be

Compounding Offence of stealing such Animal.

advertised or published any Advertisement, or Notification, that a Reward, or Remuneration will be paid, or given, for any such Dog, or Animal, which shall have been stolen, or lost, without seizing, obtaining, or making Inquiry of or after the Person producing, showing, or pointing out such Dog or Animal or Bird:

Receiving Money to restore lost Dogs.

7. Who shall demand or take any Money, Gift, or Reward, directly or indirectly, under Pretence, or upon account of, aiding any Person, to recover, or receive any such Dog, Animal, or Bird which shall have been stolen, enticed away, lost, or detained:

Stealing Deer in any enclosed Land, (7 & 8 G. 4. c. 29. s 26.) or unenclosed Forest.

8. Any Person, who shall unlawfully, and wilfully, course, hunt, pursue, snare, take, or carry away, or kill or wound, or attempt to take, kill, or wound, any Deer or Fawn in any Park, Paddock, or enclosed Land wherein Deer shall be usually kept, or in any unenclosed Land being Part of any Forest, Chase, or Purlieu:

Setting Engines for taking Deer. 7 & 8 G. 4. c. 29. s. 28.

9. Any Person, who shall unlawfully, and wilfully, set, or use, any Snare, or Engine whatsoever, for the Purpose of taking, or killing Deer, in any open or enclosed Land where Deer shall be usually kept, or in any Bank or Fence of any Land adjoining:

Taking Hares or Conies from Warrens or breeding Grounds, or Places. 7 & 8 Geo. 4. c. 29. s. 30.

10. Who shall unlawfully, and wilfully, take, or kill any Hare, or Coney, in any Warren, or Ground used for the breeding and keeping of Hares, or Conies, whether the same be enclosed or not:

Taking Fish in private Water. 7 & 8 G 4. c. 29. s. 34.

11. Who shall unlawfully and wilfully, take, or destroy, or shall attempt to take, or destroy, any Fish in any Water, which shall be private Property, or in which there shall be any private Right of Fishery:

Such above Penalty, when a pecuniary Fine is ordered, to be over and above the Value of any Fish taken or destroyed; and in any Offence, if the Boundary of any Parish shall be in the Centre, or in or by the Side of any Stream of Water or Pond, the Offence may be laid in either Parish; and any Justice of the Jurisdiction where the Offence shall be laid shall have Power to adjudicate upon the Case, and inflict and enforce the Penalty, although the Offence may not arise within his immediate Jurisdiction:

Stealing Oysters from Beds. 7 & 8 G. 4, c. 29. s. 36.

12. Any Person who shall steal any Oysters, or Oyster Brood, from any Oyster Bed, Laying, or Fishery, and being sufficiently marked out or known as being the Property of any Person;

Dredging for Oysters within the Limits of any Oyster Fishery.

13. Or shall unlawfully and wilfully use any Dredge, or any Net, Engine, or any Instrument or Device whatsoever, within the Limits of any such Oyster Fishery, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually

taken, or shall therewith drag or creep upon the Ground or Soil of any such Fishery:

7 & 8 G. 4. c. 29. s. 36.

It shall be sufficient in any Proceedings to describe, either by Name, or general Description or otherwise, the Bed, Laying, or Fishery in which any such last-mentioned Offences shall have been committed, without stating the same to be in any particular Parish; but nothing herein contained shall prevent any Person from catching, or taking, or fishing for any floating Fish, within the Limits of any Oyster Fishery, with any Net, Instrument, or Engine adapted for taking floating Fish only.

General Description of Fishery sufficient. 7 & 8 G. 4. c. 29. s. 36.

Not to extend to taking floating Fish 7 & 8 G. 4. c. 29. s. 36.

X. It shall be lawful for the Owner of any Forest, Chase, or Purlieu, or open or enclosed Land where Deer are or are usually kept, or where any Hares or Conies shall be bred or kept, or any Person intrusted with the Care of the same, and for any of the Assistants of such Owner or Person, whether in his Presence or not, to demand from any Offender against the foregoing Provisions of this Act any Gun, Fire-arm, Air-gun, Cross-box, or Snare or Engine in his Possession, and any Dog there brought for hunting, coursing, or killing Deer, or Hares, or Conies, and in case such Offender shall not immediately deliver up the same, to seize and take the same from him, in any of the above-mentioned Places, or in any other Place upon Pursuit made, and to which such Offender may have escaped or been pursued, for the Use of such Owner.

Guns, &c. for taking Deer, &c. may be demanded and seized. 7 & 8 G. 4. c. 29. s. 29.

XI. Any Person who shall unlawfully beat, or wound, any Person intrusted with the Care of the Deer, or of any Place where Hares, or Conies, are kept for Breeding or Stock, or any of his Assistants, in execution of any of the Powers given by this Act, shall be liable to the Penalty awarded by Section VIII. of this Act.

Unlawfully wounding Keeper.

XII. If the Justice shall deem any Offence against any of the above Provisions relating to Deer or Hares, or Conies, to be fit and proper for an Indictment, such Offender may be committed, and be indicted and tried for such Offence, and if found guilty thereof, be punished in the same Manner, as in the Case of Simple Larceny.

Indictment may be preferred.

XIII. The Owner, or Person having the Right of Fishery, or his Servants, or any Person authorized by him, may demand from such Offender any Nets, Rods, Lines, Hooks, or other Implements, or Devices, for taking or destroying Fish, which shall be in his Possession, and in case such Offender shall not immediately deliver up the same, to seize, and take the same from him, for the Use of such Owner, or Person; but if any Person angling in the Daytime, from whom any Implements used by Anglers shall be so taken, or by whom the same

Fishing Tackle of Anglers may be seized. 7 & 8 G. 4 c. 29. s. 35.

Angler, on Seizure of his Tackle.

exempt from Penalty. 7 & 8 G. 4. c. 29. s. 35.

shall be delivered up as aforesaid, shall, by the taking or delivering thereof, be exempted from the Payment of or Liability to any Penalty for such Angling.

SIXTH CLASS OF OFFENCES.

SIXTH CLASS OF OFFENCES.

XIV. Any Person who shall commit any of the next following Offences, shall be liable for the First Offence to be imprisoned for a Term not exceeding *Three Calendar Months;* and for any subsequent Offence for a Term not exceeding *Six Calendar Months:—*

Disorderly Prostitutes. 5 G. 4. c. 83. s. 3.

1. Every Female who shall be a known or reputed common Prostitute, Street or Night Walker, and who shall frequent or be in any Thoroughfare, Court, Passage, or Precincts thereof, or at, or in, or near, any public Place, or Place of public Resort, or, of private Meeting, or Resort, for the Purpose of Prostitution or Solicitation, to the Annoyance of any Person, or who shall behave in a riotous, insolent, or indecent Manner, or shall utter or make or use any profane, immoral, or indecent Language, Sign, or Gesture to, or at, any Person:

Male Person indecently exposing himself with Intent to insult a Female. 5 G. 4. c. 83. s. 4.

2. Every Male Person who shall wilfully expose his Person, or shall use any indecent Language, Sign, or Gesture to any Female, with the Intent to insult, or annoy, any Female:

Wilful or indecent Exposure of Person in public Places. *Common Law, indictable.*

3. Who shall wilfully, openly, or lewdly, obscenely or indecently, expose his or her Person, or Body, or any private Part thereof, or be guilty of any open Lewdness or Indecency, in any public or private Street, Road, or Footpath, or in any Road or Thoroughfare, or Court or Passage, or in View or Sight of the same, or therefrom, or in any Place of public Resort, or of public or private Entertainment, or Meeting:

Indecent and immoral Publications. 2 & 3 Vict. c. 47. s. 54.

4. Who shall write, print, or publish, sell or offer for Sale, distribute or offer to distribute or for Distribution, or have, exhibit, place, or put to or for public View or Inspection, any Book, Paper, Print, Figure, Cast, Sketch, Design, Painting, or Representation, of an indecent, or immoral Meaning, Nature or Tendency, or with Intent to insult, annoy, or corrupt another:

Begging, 5 G. 4. c. 83. s. 3.

5. Who shall beg, or shall wander or go about to beg, or crave, ask for, solicit, or gather Alms; or shall beg, crave, ask for, solicit, gather, or receive Alms or Gift, under Pretence of selling or offering to sell or dispose of any Article or Thing, or shall place himself, or herself, in any Street, Highway, Road, Path, Thoroughfare, or Passage, or by the Side thereof, to beg, crave, ask for, solicit, gather, receive, obtain, or procure Alms, Money, or Contribution, under any Pretence or by any Means whatever, or shall cause or procure or have any

SIXTH CLASS OF OFFENCES.

any Child, or any Person to do or commit, or assist in doing, or committing any of the said Offences:

Obtaining charitable Contributions under false Pretences. 5 G. 4. c. 83. s. 4.

6. Who shall go about, or shall act as Collector, or Gatherer, or Receiver, of Alms, Gift, or Donation, or who shall receive, or take, or endeavour to procure or obtain, any charitable Contribution, or any Sum of Money or Chattel, or Contribution, of any Nature, Amount, or Kind, under any false, fictitious, fraudulent, or illegal Pretence, Purpose, or Act, or under, or by, or by the Means of, any Threat or Menace:

By Exposure of Wounds. 5 G. 4. c. 83. s. 4.

7. Who by the Exposure of any Wound, Sore, Deformity, Disease, Malformation, or Malconstruction of himself or herself, or of any other Person or Body, whether living or dead, shall (except for the Purpose of Surgical or Anatomical Investigation,) endeavour to obtain, gather, or seek for, or shall ask, entreat for, or obtain, take, or receive, any Alms, Gift, Donation, or charitable Contribution, whether in Money or otherwise:

Fortune-telling and Cheating. 5 G. 4. c. 83. s. 4.

8. Who shall pretend, profess, or undertake to exercise or use, or shall exercise or use, any Kind or pretended Kind of Witchcraft, Sorcery, Charm, Enchantment, Conjuration, or cunning Device, or tell, give, or import, or undertake or profess to tell, give, or import, Fortunes, or any future or forthcoming Event, or pretend to make believe, from Skill, subtle Craft, Means, or Knowledge in or by any occult or crafty Science or Palmistry, to discover where, or in what Manner, or by what Means, any Goods, Chattels, Matter or Thing lost, or stolen, or supposed to be lost, or stolen, may or can be found, recovered, or restored, or otherwise by any Means to deceive or impose upon any Person, and whosoever shall demand, or receive, or take, of and from another, or aid or assist in so doing, any Money, Chattel, or Personal Property by or by means of any such false Representation or false Pretence, or by any false, fraudulent, or fictitious Act, Deed or Means:

Persons without visible Means of Subsistence lodging in open Air, &c. 5 G. 4. c. 83. s. 4.

9. Who shall frequent or lodge, or shall lurk or be found, in or about any House, Outhouse, Barn, Stable, Shed, Rick, Skilling, Building, Erection, or any public or private Premises, or shall lodge, abide, or be found in the open Air, or in any Tent, Cart, Waggon, or Vehicle, not having visible or known or apparent Means of Subsistence, or not giving, when thereunto required, a good or satisfactory Account of himself or herself, or, for being in or upon any such Place where found:

Suspected Thieves frequenting Places. 5 G. 4. c. 83. s. 4.

10. Who being a known or reputed Thief, or suspected Thief, or an Associate with Thieves, or reputed Thieves, or Prostitutes, or being of known bad Character, shall haunt, lurk about, or frequent, or, be in, or upon, or by the Side of any River, navigable

SIXTH CLASS OF OFFENCES.

Stream, Canal, Lock, Dock, or Basin, or any Quay, Wharf, Staith, Warehouse, Shop, House, Building, Shed, or Erection, or in or upon any Sailing or Steam Ship, Vessel, or Boat, or in, or upon, or at, any Railroad, Railway, or Tram Road or Tram Way, Railway Station, or any Street, Highway, Road, Path, Passage, Court, Avenue, or any Way leading to any of the before-mentioned Premises, or in, or at, any Place of public Resort, or any Path or Way leading thereto, or any Street, Road, Way, or Path adjacent thereto, or in or upon any private Premises whatever, with Intent to commit Felony, or Misdemeanor, or to aid or assist in committing Felony or Misdemeanor, or to do, or with Intent to do, any felonious or unlawful Act, or Purpose whatsoever:

Persons having Housebreaking Implements. 5 G. 4. c. 83. s. 4.

11. Who shall have upon his or her Person, or in his or her Custody or Possession, or in or under his or her Care, Custody, or Control, any Picklock or false Key, or any Implement, or Instrument, of or for Housebreaking, or to break open or into or out of, any Dwelling House, Counting-house, Shop, Building, or Erection, Vault, or Cellar, or shall have or use or attempt to use any Weapon, Implement, or Instrument of any kind, with Intent to do, commit, or perpetrate, or to aid or assist in doing, committing, or perpetrating, or in the Perpetration, of any felonious or unlawful Act:

Persons found in enclosed Places for any unlawful Purpose. 5 G. 4. c. 83. s. 4.

12. Who shall be found in, or lurking about, any enclosed Yard or Garden, or in or upon any public or private Premises, for any unlawful or improper Purpose, or refusing, or being unable to give a good, sufficient, or satisfactory Account of himself or herself, or of the Reason for being found upon such Premises, or his or her Name, Residence, and ordinary Occupation or Employment, or who shall give any false or fictitious Name, Address, or Residence, or Means of Living or Employment.

Receivers of stolen Property punished in same Manner as Principals. 7 & 8 G. 4. c. 29. s. 60.

XV. Any Person who shall receive, or shall take, from any other Person, any Property whatsoever, knowing the same to be unlawfully come by, or under Circumstances to raise a reasonable Suspicion, that any Property is unlawfully come by, or possessed by any Person, shall, upon Conviction thereof before a Justice, be liable for every first and subsequent Offence of receiving, or taking, to the same Penalty and Punishment, to which a Person guilty of a first, or subsequent Offence of stealing, or taking such Property, is by this Act made liable.

After Two summary Convictions for Offences, subsequent Offence, when to be deemed Larceny; (12 Vict. c. 11. s. 3.)

XVI. Any Person twice convicted, of any of the Offences punishable upon Summary Conviction, under the Provisions of any of the Sections, or Clauses, contained and specified for Offences, under Classes Three, Four, Five, and Six of this Act, who shall afterwards commit any of the said Offences, shall be guilty of Simple Larceny, and shall become liable to be punished under the Provisions of an Act, passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, Chapter Twenty-nine, Section Three.

and punished as Simple Larceny, under 7 & 8 Geo. 4. c. 29. s. 3.

XVII. In an Indictment against a Person who shall have been twice convicted of Offences punishable upon Summary Conviction as aforesaid, it shall be sufficient to state that such Person was at certain Times and Places so twice convicted as aforesaid, without otherwise describing the Offences of which such Person had been so convicted as aforesaid; and a Copy of any such Conviction, certified by the proper Officer of the Court of General or Quarter Sessions to which such Conviction shall have been transmitted or returned, or proved to be a true Copy, shall be sufficient Evidence to prove such Conviction, and such Conviction shall be presumed to have been unappealed against or quashed, and to be a valid Conviction, unless the contrary be shown by the Person so convicted.

In Indictments against Persons twice summarily convicted, it shall be sufficient to state the Fact, and certified Copies of the Convictions to be Evidence. 12 Vic. c. 11. s. 4.

Search Warrant.

XVIII. If any credible Witness shall prove upon Oath before a Justice that there is reasonable Cause to suspect that any lost or stolen Property is in any House or other Place, such Justice may grant a Warrant to search such House or other Place for such Property; and any Person to whom any such Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on, or with respect to such Property, is hereby authorized, and, if in his Power, is required, to arrest, without a Warrant, and with all convenient Speed to deliver into the Custody of a Constable, the Person offering the same, together with such Property, to be dealt with according to Law; and in every such Case any such stolen Property shall, by Order of the Justice by whom the Case shall be heard and determined, be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if the Justice before whom any Person charged with any Offence shall be brought shall be of opinion that the Case is a fit Subject for Prosecution by Indictment for Larceny, such Justice, instead of summarily adjudicating thereupon, shall deal with the Case as one to be prosecuted by Indictment at the Assizes or Quarter Sessions; and any Person found committing any Offence may be immediately arrested, without a Warrant, by any Constable, or by the Owner of the Property with respect to which the Offence shall be committed, or by the Servant of such Owner, or any Person authorized by such Owner, or by any Person witnessing the Commission or doing, or the attempted Commission or doing, of any Offence.

A Justice may grant a Search Warrant for such stolen Property. 7 & 8 G. 4. c. 29. ss. 41. 63. 14 & 15 Vict. c. 92. s. 5.

Any Person to whom the stolen Property is offered to seize the Party.

Justices may order Restitution of the stolen Property, or Sale if Owner is not known.

If Offence be deemed fit for Indictment, Case to be dealt with as such.

Offenders may be apprehended without Warrant. 7 & 8 G. 4. c. 30. s. 28.

Recognizances.

For Surety of the Peace, or for good Behaviour. *Common Law.*

Recognizance not to extend beyond Twelve Calendar Months. 16 Vict. c. 30. s. 2.

Commitment in default of finding Surety.

XIX. When any Person shall complain against another of any threatening, abusive, or insulting Words, Language, Threat, or Conduct or Behaviour, from which, or by reason or in consequence of which, he is apprehensive of personal Danger, Injury, or Annoyance to himself, or to any other Person, or whereby a Breach of the Peace has been, or may be occasioned, or may be reasonably dreaded or apprehended or inferred, or that the Public require to be protected from any such Person complained against, any Justice, if he shall think fit, may order the Defendant to be bound in his own Recognizance alone, or to find such Surety or Sureties, and in such Sum or Sums of Money, and for such Period, not to exceed *Twelve* Months, as such Justice shall fix and determine, and to be conditioned thenceforward to keep the Peace, or be of good Behaviour, or both, and according to the Form (J.); and if any Defendant shall refuse or neglect to find such Surety or Sureties, the Justice may commit such Defendant to Gaol for a Term not exceeding *Twelve* Calendar Months, unless in the meanwhile such Recognizance is entered into or such Surety or Sureties be found:

Married Woman may be bound in her own Recognizance.

1. Every Recognizance shall be valid when a married Woman is ordered by a Justice to be bound in her own Recognizance, and in case of Breach or Forfeiture thereof the same shall be levied upon the Goods and Chattels of and be enforced against herself, when living separate and apart from her Husband, or otherwise upon the Goods and Chattels of and be enforced against her Husband, or the Justice may commit such Woman to Prison in case any Distress against the Goods and Chattels of the Husband would be ruinous or injurious to him:

Persons under Twenty-one Years of Age may be bound in Recognizance.

2. The Justice may order any Person under Twenty-one Years of Age to enter into Recognizance, and in case of Breach or Forfeiture thereof may enforce the same against such Person:

Defendant, in addition to Conviction, may be bound in his own Recognizance.

The Justice, in addition to any Penalty or Order incurred under any of the Provisions of this Act, may bind a Defendant in his own Recognizance in any Sum of Money, and for any Term not exceeding *Twelve* Calendar Months, conditioned thenceforth to keep the Peace, or be of good Behaviour, or both.

Mode of binding by Recognizances. 14 & 15 Vict. c. 93. s. 34.

Form of Recognizance.

XX. Whenever any Person shall be bound to appear to answer to a Complaint, or to give Evidence as a Witness, or to keep the Peace, it shall be done by a separate Recognizance (J.); and the taking of every Recognizance shall be subject to the following Provisions:

1. It shall be sufficient if signed by a Justice, or under the Hand of the Clerk or Acting Clerk to the Petty Session Division; but if signed by such Clerk it shall be according to Form (K); and the Christian and Surname of the Justice who shall have ordered the Recognizance to be entered into shall be inserted at full Length in the Body of the Recognizance and Notice, and the same shall be signed by such Clerk, or else have his Name

written or printed at the End or Foot thereof, with his Residence or Place of transacting Business:

Amount of Recognizance:

2. It shall be in such Amount as the Justice shall, in his Discretion, think expedient, except in Cases of Appeal, in which the Amount shall be as herein-after provided:

To contain particular Description of Parties bound:

3. It shall particularly specify the Profession, Trade, or Occupation of every Person entering into the same, together with his Christian and Surname, and the Name of the Parish or Town in which he resides, and if he resides in a Town the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof, or a Lodger therein:

To be in Form in Schedule.

4. Every Recognizance so taken according to the Form in the Schedule to this Act, or to the like Effect, shall have the like Force and Effect in binding the Lands, Tenements, Goods, and Chattels of the Persons acknowledging the same, and in all other respects, which any Recognizance now by Law has:

Recognizances to appear, &c. at Assizes, &c. to be sent to Clerks of Assize, &c., and to be estreated by Court.

Recognizances to appear before Justices, or to keep the Peace, &c., to be deposited with Clerk of Petty Session;

and may be estreated by Justices;

after Proof on Oath of Notice to Parties.

And whenever the Condition of any such Recognizance shall be to appear at Assizes, or Quarter Sessions, or at any Place other than before any Justice or Justices, it shall be forwarded to the Clerk of the Assizes or Peace, and shall be liable, upon any Breach of the Condition thereof, to be estreated in the same Manner as any forfeited Recognizance to appear is now by Law liable to be estreated by the Court before which the principal Party thereto shall have been bound to appear: But whenever the Condition of such Recognizance shall be, to keep the Peace, or to appear before any Justice out of Quarter Sessions, it shall be deposited with the Clerk of Petty Sessions of the Division, by the Justice by whom it shall have been taken, and upon Nonperformance of the Condition thereof any Justice who may then be there present may certify on the Recognizance the Nonperformance of the said Condition, and it shall thereupon be lawful for the Justices sitting at the Petty Sessions of the Division, and in open Court, upon Proof of the Nonperformance of the said Condition, to make an Order to estreat such Recognizances to such Amount as they shall see fit, and thereupon to issue a Warrant (E.) to levy such Amount by Distress and Sale of the Goods of the Party who shall have acknowledged the same: Provided always, that in every Case where any Justices shall order any such Recognizance to be estreated, Proof shall be first made on Oath that Notice in Writing (stating the general Grounds on which it is intended to sustain the Application) was left or transmitted by Post at or to the usual or last known Place of Abode of the Party, or of each of the Parties if more than One, against whom it is sought to put such Recognizance in force, at least *Seven* Days before the Day on which Application to estreat such Recognizance shall be made.

Offences against this Act.

14 & 15 Vict. c. 93. s. 35.

XXI. Any of the Officers or Persons herein-after mentioned who shall commit any of the Offences or Neglects herein-after mentioned, and who shall be convicted thereof before any Two Justices sitting at Petty Sessions, shall be liable to forfeit for every such Offence or Neglect, a Penalty not exceeding *Five Pounds* (that is to say) :—

Entry of Summonses.

1. Any Clerk of Petty Sessions who shall neglect or refuse to enter any Summons, Conviction, Order, or Proceeding in the Minute or Order Book required under the Provisions of this Act :

Clerk taking more than his legal Fees.

2. Any Clerk of Petty Sessions who shall demand or receive any other or different Fees, or any greater Amount of Fees, as to any Proceedings in any Case, than he can legally demand or receive :

Service of Summonses.

3. Any Constable or other Person who shall make any wilful Default in serving any Warrant, Summons, or Order :

Constables, &c. not returning Warrants or committing any wilful Default.

4. Any Constable or other Person who shall wilfully neglect to return any unexecuted Warrant at the Time required by the Justices, or who shall commit any wilful Default in respect to the Execution of the same :

Any other Neglect of Duty.

5. Any Person having any other Duty to perform under the Provisions of this Act, and who shall refuse or wilfully neglect to perform the same :

Justices may award the foregoing Penalties.

And it shall be lawful for the said Justices to award the said Penalties ; and if the same shall be imposed upon any Member of any Constabulary Force or any Constable, the Amount shall be deducted from his Pay or Allowance ; but if imposed on any other Person, then in default of Payment thereof forthwith, or at such Time as the Justices shall fix, or in case the Pay or Allowance of any Constable shall cease before full Payment of such Penalty, and Costs, such Constable, or Person may be committed to Prison for the like Period, in proportion to the Amount of the Penalty imposed, for which the Justices are authorized to commit any Offender in default of Distress for any other Penalty under the Provisions of this Act ; or, previous to issuing an Order of Committal to Prison, the Justices may order such Amount of Penalty and Costs to be levied by Distress on the Goods of the Offender.

Possession of small Tenements.

XXII. The Decision of Claims to the Possession of small Tenements shall be subject to the following Provisions :

Possession of small Tenements may be recovered by Order of Justices. 1 & 2 Vict. c. 74. 14 & 15 Vict. c. 92. s. 15.

1. Whenever the Term or Interest of the Tenant or Occupant of any House or of any Part of a House, or of any Land or other corporeal Hereditament, and which shall be held or occupied by him as Tenant by Sufferance, or at Will, or by reason of holding an Office, Situation, or Employment, or for any Term not exceeding Seven Years, either without being liable to the Payment of any Rent, or at a Rent not exceeding Fifty Pounds a Year, and upon which no Fine shall have been reserved or made payable, shall have ended, or shall have been duly determined

Possession of small Tenements.

mined by a legal Notice to quit, if such Tenant, or Occupant, (or where such Tenant shall not himself occupy the Premises, or only a Part thereof, if the Person by whom the same or any Part thereof shall be occupied,) shall neglect or refuse to deliver up Possession of the same, it shall be lawful for the Landlord of the said Premises, or his known Agent, or for the Receiver of the Rents of his Estate, to cause such Tenant or Occupier to be served with a Summons in Writing, signed by any Justice having Jurisdiction in the Place in which the said Premises shall be situated, or otherwise legally issued, to appear before the Justices at the Petty Sessions of the Division in which the said Premises shall be situated, to show Cause why Possession of the said Premises should not be delivered up:

Manner in which such Summons shall be served.

2. Such Summons may be served upon such Tenant or Occupier either personally or by leaving the same for him with some Person in occupation of such House or Part of a House, and where the Tenant of such House or Part of a House shall not reside therein, either by serving the same personally upon him, or by leaving the same at his usual Place of Abode *Six* clear Days before the Day appointed for the Hearing of the Matter of the said Summons; but if the Person so holding over cannot be found, and Admission into the Premises so overheld cannot be obtained, and the Place of Abode of such Person not residing as aforesaid shall either not be known or Admission thereto cannot be obtained, the posting of the said Summons on some conspicuous Part of the said Premises, shall be deemed to be good Service upon such Person:

Substitution of Service in certain Cases.

On Proof of Right, Justices may issue Warrant to deliver Possession.

3. If such Tenant or Occupier shall not appear at the Time and Place appointed, or shall appear, but shall not show to the Satisfaction of the Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up the Possession of the said Premises to the said Landlord, Agent, or Receiver, it shall be lawful for the Justices, upon Proof of the Holding, and of the End or Determination or Cesser of the Tenancy, with the Time and Manner thereof, (and, where the Title of the Landlord shall have accrued since the letting of the Premises, upon Proof of the Right by which he claims the Possession,) to issue a Warrant to a Constable of the Place within which such Premises shall be situated, or to any other Person as a special Bailiff in that Behalf, requiring and authorizing him, within a Period to be therein named, not less than *Seven* or more than *Ten* clear Days from the Date of such Warrant, to give Possession of the Premises to such

Possession of small Tenements.

Landlord, Agent, or Receiver, and such Warrant shall be a sufficient Authority to the said Constable or Bailiff to enter upon the Premises, with such Assistants as he shall deem necessary, and to give Possession accordingly; but such Entry shall not be made on a Sunday, Good Friday, or Christmas Day, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon:

If Party summoned undertakes to deliver up Possession and pay Arrears of Rent in 14 Days, no Warrant to issue till the Expiration of that Period, when, if Possession continued, Justices may issue Warrant without further Notice.

4. But if such Tenant or Occupier shall appear before the Justices, and shall give an Undertaking (to be made in Writing and to be entered by the Clerk of Petty Sessions) quietly and peaceably to deliver up, within *Fourteen* Days from the Date thereof, Possession of the Premises of which he shall be such Tenant or Occupier, in good Order and Repair, to such Landlord, Agent, or Receiver, and in the meantime to pay all Rent and Arrears of Rent claimed by such Landlord in respect to such Premises, and the Costs of the Proceedings, the Justices shall not issue their Warrant for giving Possession till the Expiration of such Period of *Fourteen* Days; and if such Tenant or Occupier shall at the Expiration of such Period continue in possession or occupation of the said Premises, save by the Permission of such Landlord, Agent, or Receiver, it shall be lawful for the Justices, at the Instance of such Landlord, Agent, or Receiver, to issue a Warrant for giving Possession of the same as aforesaid, and such Warrant shall be executed forthwith, without further Notice to such Tenant or Occupier:

But Act not to protect Persons who have no legal Right.

Provided always, that nothing herein contained shall be deemed to protect any Person by whom any such Warrant to deliver Possession of any such Premises shall be sued out as aforesaid from any Action which may be brought against him by any such Tenant or Occupier for or in respect of such Entry and taking possession, where such Person had not, at the Time of suing out the same as aforesaid, lawful Right to the Possession of the said Premises:

Tenants doing Damage to Premises. 5 Vict. c. 24. s. 66.

5. Every Person who shall occupy or shall have occupied any House or Lodging, or Land or Tenement, as Occupier or Tenant thereof, and who shall wilfully do any Damage to or on the Premises, or to any Furniture or Fixtures, or Trees, Shrubs, or Plants thereof or therein, not being the Property of such Tenant or Occupier, shall, upon Complaint made to a Justice within *One Month* after the Commission of the Offence, or at the End or Termination of the Occupancy or Tenancy, forfeit such Sum as any Justice shall assess and award to be paid to the Party aggrieved, not to exceed *Ten* Pounds.

XXIII. The

Master and Servant.

XXIII. The Decision of certain Disputes between Employers and the Persons employed by them shall be subject to the following Provisions:

Justices may order Payment of Sums due for Wages: 14 & 15 Vict. c. 92. s. 16. 20 Geo. 2. c. 19. ss. 1, 2., 5, 6.

For the Hire of Draught Horses, Carts, &c.:

To Teachers for Tuition.

(The Demand not exceeding 10*l.*)

1. It shall be lawful for the Justice or Justices to hear and determine any Disputes concerning any Sums which shall be due for Wages by any Master to his Apprentice, or by any Employer to any Artificer, Labourer, Servant, or other Person employed by him to do any Species of Work or Labour whatsoever (and also whether such Master shall find or supply Materials for the Performance of the same or not, and whether such Wages shall be due in respect to any Day's Work, or to any Labour done or performed by Task, Job, or Contract); or which shall be due by any Person for the Hire of any Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any such Animal for the Purpose of any labouring Work (and not being for the Carriage of any Passenger or Passengers), or for the Hire of any Boat for the Purpose of any labouring Work (and not being for the Carriage of any Passenger or Passengers), and whether such Hire shall be by the Day or by Contract or otherwise; or which shalt be due to any Schoolmaster or Teacher for the teaching of any Child in any School or other Place, and whether the Engagement shall be for a Payment by the Day or for any other Period, or in any other Manner (provided that the Amount of the Demand for such Wages, Hire, or Tuition, in any of such Cases, whether originally greater or not, shall not exceed *Ten Pounds*); and to make such Order as they shall see fit for Payment of such Sums as shall appear to be justly due to the Complainant by his Master or Employer, or, in case of any Sum claimed for the teaching of any Child, by the Parent or other Person who shall have engaged the Complainant to teach such Child:

Complaints by Servants against Master. 20 G. 2. c. 19. s. 2.

2. In every Case where an Artificer, Labourer, Servant, or Person employed by any Master or Employer shall make Complaint against such Master or Employer concerning any Refusal of necessary Provision or proper Accommodation, Cruelty, Misusage, or any other Ill-treatment, the Justice may, on Proof thereof being made to his Satisfaction, discharge such Artificer, Labourer, Servant, or Person from his Service or Employ, and may order the Master or Employer to pay to him the whole or any Part of the full Amount of Wages or Money which would have been payable by the Master or Employer if the full Term of Service or Employ of such Person had been fully completed:

Master and Servant.

Justices may award further Sum to Servants, &c. as Compensation (not exceeding 40*s.*) for Loss of Time in recovering Wages.

3. Whenever it shall appear to the Satisfaction of the Justice or Justices that any Schoolmaster, Teacher, Servant, Artificer, Labourer, or other Person so employed as aforesaid has been or is likely to be detained from his Home or usual Place of Residence, or has suffered or is likely to suffer any additional Loss, by reason of the Nonpayment of any Sum which such Justice or Justices shall so adjudge to be due to him, it shall be lawful for such Justice or Justices to order that there shall be paid to him by such Master or Employer, not only the Sum so due to him, but also such further Sum as Compensation, not exceeding the Sum of *Forty Shillings*, for the Time during which he shall have been so detained from his usual Place of Residence, or for the Loss suffered or likely to be suffered, as such Justice or Justices shall think to be reasonable, having regard to the Length of such Detention, the Diligence or Remissness of either Party, the usual Earnings of such Schoolmaster, Teacher, Servant, Artificer, Labourer, or Person, and the Sum which within the Time of such Detention he did earn, or under all the Circumstances of the Case might have earned:

How Servants, &c. shall recover their Wages in Cases of Absence of Masters, &c. 4 G. 4. c. 34. s. 4. 14 & 15 Vict. c. 92. s. 16.

4. In every Case where any such Master or Employer shall intrust his Business to the Management and Superintendence of any Steward, Agent, Bailiff, Foreman, or Manager, it shall be lawful to summon such Steward, Agent, Bailiff, Foreman, or Manager to appear at Petty Sessions, and to hear and determine the Matter of the Complaint in such and the like Manner as Complaints of the like Nature against any Master or Employer, and to make an Order for the Payment by such Steward, Agent, Bailiff, Foreman, or Manager, to the Complainant, of such Sum or Compensation as shall be justly due to him; and in case of Refusal or Nonpayment of any such Sum or Compensation at such Time as shall be directed by such Justice or Justices, it shall be lawful for them to issue a Warrant to levy the same by Distress and Sale of the Goods of such Master or Employer; the Surplus, after Payment of all Expenses, to be paid and rendered to the Master or Employer, or to such Steward, Agent, Bailiff, Foreman, or Manager, for the Use of such Master or Employer:

Justices may punish Servant, &c. for not observing Contract. 4 G. 4. c. 34. s. 5. 14 & 15 Vict. c. 92. s. 16.

5. Whenever any Servant, Artificer, Labourer, or other Person shall engage, by an Agreement in Writing signed by both Parties, or by some One duly authorized by either Party, with any Person, to serve him at any Time and in any Manner, and he shall not enter into or commence his Service according to such Agreement, or whenever, having entered into any Service under any Agreement, whether in Writing or not, he shall absent

Master and Servant.

absent himself before the Term specified in such Agreement shall be completed, or shall neglect to fulfil the same, or shall be guilty of any Misconduct or Misdemeanor in the Execution of the same or in such Service, or in any way respecting the same, it shall be lawful for the Justice or Justices to hear and determine such Complaint as may be made against him by his Employer, or by the Steward, Manager, or Agent of his Employer, and if it shall appear that he has not fulfilled his Agreement, or has been guilty of any Misconduct or Misdemeanor in respect to the same, to impose a Penalty not exceeding the Sum of *Five Pounds*, and in default of Payment of such Fine to commit such Offender to Gaol for a Term not exceeding *Three Months*, and to abate the whole or a Part of such Servant's Wages, and to discharge such Servant from his or her Agreement or Service, by Writing under his or their Hands, or to adjudge all or any Portion of such Punishment as he or they shall see fit:

Workman making away with Goods (not exceeding *5l.* in Value) committed to his Care.

6. Any Artificer, Workman, Journeyman, Apprentice, Servant, or other Person, who shall unlawfully dispose of or retain in his Possession, without the Consent of the Person by whom he shall be hired, retained, or employed, any Goods, Wares, Work, or Materials committed to his Care or Charge (the Value of such not exceeding the Sum of *Five Pounds*), shall pay to the Party aggrieved such Compensation as the Justice or Justices shall think reasonable, and also, in the Discretion of the Justice or Justices, pay a Fine not exceeding *Forty Shillings*, or be imprisoned for a Term not exceeding *One Calendar Month.*

Impounding Distresses.

14 & 15 Vict. c. 92. s. 19.

XXIV. The Decision and Regulation of certain Matters relating to the impounding of Distresses, or of Animals found trespassing, wandering, or straying, shall be subject to the following Provisions; and the Word "Animal," hereafter used, shall also include any Poultry or Birds ordinarily domesticated or kept upon any Premises:

Establishment of Pounds.

1. It shall be lawful for the Justices of each Petty Sessions Division, whenever there shall be no Pound or an insufficient Number of Pounds established therein, to authorize the Establishment of such Pound or Pounds in such Place or Places in such Division as they shall think necessary, to be kept by any Person applying for or willing to establish any such Pound; and it shall be lawful for the said Justices from Time to Time to appoint some fit Person to be the Keeper, during their Pleasure, of any such Pound:

Justices to appoint Keeper of Pounds.

No Person to act as Pound

2. It shall not be lawful for any Person to act as the Keeper of any Pound, now or hereafter to be established, (except of a Manor

Keeper unless when licensed by the Justices, (except of a Manor Pound).

Keeper of Manor Pound may be licensed.

Manor Pound,) unless he shall be authorized so to act by the Justices of the Petty Sessions Division in which such Pound shall be situated, by Licence in Writing signed by any Two or more of them, and which Licence such Justices are hereby authorize to give, and also from Time to Time to withdraw in case of the Neglect or Misconduct of such Person; and the Justices may license the Keeper of a Manor Pound to be Keeper of a Pound under this Act:

Provided always, that every Pound so to be licensed shall be of such Area, and of such Construction and Material, as the said Justices shall think fit:

No Keeper of Manor Pound to act unless his Appointment filed with Clerk to Justices.

3. No Keeper of a Manor Pound shall act as such unless his Appointment is filed with the Clerk to the Justices of the Petty Sessions Division within which such Pound shall be situate:

Pound Keeper to enter into Recognizance.

4. Any Person so licensed shall, before acting as such Pound Keeper, enter into Recognizance, himself in such Sum not less than *Ten Pounds*, with Two Sureties in such Sum not less than *Five Pounds* each, as such Justices shall fix, conditioned for the due Discharge of his Duties as Pound Keeper under this Act, and shall from Time to Time renew the same when required by such Justices:

Pound Fees to be as follows.

5. Every Pound Keeper, and every other Person impounding or seizing for impounding, shall be entitled to receive from the Person by whom any Animal shall be impounded in any Pound, or from the Owner when such Animal shall be delivered up to such Owner by proper Authority, the following Pound Fees:

For any One Horse, Mare, Mule, or Horned Beast, for any Time not exceeding Seventy-two Hours -	*1s. 6d.*
And for any greater Number of same, for same Period, each - - - - - - -	*6d.*
And if impounded for longer than Seventy-two Hours, *One Half* of the above Sums for every additional Seventy-two Hours;	
For any One Sheep, Calf, Lamb, Goat, or Pig, or other Animal than is before specified, for any Period not exceeding Seventy-two Hours -	*6d.*
And for any greater Number of same, for the same Period, each - - - - - -	*2d.*
And if impounded for longer than Seventy-two Hours, *One Half* of the above Sums for every additional Seventy-two Hours:	

Rates of Sustenance

He shall also provide Sustenance, and be entitled to demand and receive from the like Owner or Person, as the Case may be, such

Impounding Distresses.

to be fixed by Justices. 12 & 13 Vict. c. 92. ss. 19. 56.

such Sum for the Sustenance of any such Animals, for the Time during which they shall be so impounded, as the said Justices shall fix as the proper Rates of Sustenance for Animals impounded in such Pound, and which they are hereby required to do by Writing under their Hands:

14 & 15 Vict. c. 92. s. 19. Tables of Fees and Rates to be posted.

6. The Pound Keeper shall post and continue posted in a conspicuous Place on or close to his Pound a Table of the Scale of the Pound Fees authorized by this Act, and also a Table of the Rates which shall be so fixed by the Justices for the Sustenance of Animals impounded therein:

No Animals to be impounded in any other than a licensed Pound or Manor Pound, except in Cases of Emergency.

7. No Animal (except in Cases of Distresses for Rent) shall be impounded in any Parish in any other Place than in a Pound within the Parish, if there be one so licensed (or in the Pound of the Manor), unless where any Assault shall be threatened or made upon the Person impounding or proceeding to impound any Animal, or where any Rescue of such Animal shall be attempted or threatened, and the impounding in any other Place shall be necessary for the Detention of such Animal, or the Safety of such Person:

Notice of impounding to Owner, &c.

8. Whenever any Animal shall be impounded in any Pound, the Person by whom such Animal shall be impounded shall at the Time give Notice to the Pound Keeper, and also to the Owner of such Animal (when known), specifying the Parish and Place in which such Animal shall have been seized, and the Reasons for impounding the same, and when given to the Owner he shall specify the Pound in which such Animal shall have been impounded:

Public Notice of impounding straying Animals to be given by Pound Keeper and Constable.

9. And whenever any Animal found wandering or straying or trespassing shall be impounded in any Pound, the Pound Keeper shall immediately give a Notice to the Constable of the Place, or where a Constabulary Force is established, then to the nearest Constabulary Station, describing such Animal, and stating the Parish and Place where such Animal shall have been seized (unless where such Animal shall have been impounded by any Member of a Constabulary Force), and such Constable shall post such Notice (or a like Notice when the Animal shall have been impounded by any Member of a Constabulary Force), and keep the same posted at such Station until such Animal shall be claimed or otherwise disposed of according to Law; and whenever the Owner of such Animal cannot be discovered, it shall be lawful for the Justices of the Petty Sessions Division, upon being satisfied that all possible Means have been adopted for the Discovery of the Owner, and that he cannot be discovered, to direct that the same shall be sold by some Constable in like Manner as any Animal may

When Owner of straying Animal is not known, it may be sold.

Notice of Sale to be posted.

be sold under any Warrant of Distress (due Notice of such Sale, and of the Parish and Place where such Animal shall have been seized, having been previously posted at the nearest Police or Constabulary Station, where one is established, and also in some conspicuous Place in the Parish where such Animal shall have been seized, and also at the Place where impounded, *Forty-eight* Hours at the least before the Time of Sale); and the Proceeds of such Sale, after paying to the Keeper of the Pound the Amount due to him for Pound Fees, and for the Rates of Sustenance of such Animal, shall be paid and applied in like Manner as any Penal Sum payable to the Crown:

How Produce of Sale to be applied.

Persons impounding Cattle to provide Food and Water. 12 & 13 Vict. c. 92. s. 5.

10. Every licensed Pound Keeper and every other Person who shall impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, shall provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal, under a Penalty not exceeding *Five Pounds* for every Offence; and the Neglect to supply the same every Day shall be considered as a separate Offence:

Power for other Person to supply Food to impounded Animals, on Neglect of the Impounder to do so. 12 & 13 Vict. c. 92. s. 6.

If any Animal so impounded shall be left unprovided with sufficient Food or Water for *Twelve* successive Hours, any Person whomsoever may, from Time to Time, enter into and upon any Pound or other Receptacle of the like Nature, and supply such Animal therein with fit and sufficient Food and Water, during so long a Time as such Animal shall continue to be confined therein, without being liable to any Action of Trespass or other Proceeding by any Person whomsoever by reason of such Entry for the aforesaid Purpose; and such Person may recover from the Pound Keeper, or Person impounding or causing to be impounded, or from the Owner of such Animal, in the same Manner as any Order or Penalty is by this Act made recoverable.

Punishment for Offences against these Provisions:

XXV. And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to the Punishment herein-after specified:

Pound Keepers acting without Authority, or before entering into Recognizance, or not keeping Pound clean, &c., or demanding more than

1. Any Pound Keeper who shall act as such without being duly authorized by the Justices, and without having duly entered into a Recognizance in manner aforesaid, or without having had his Appointment filed, or who shall neglect to keep such Pound clean and well supplied with wholesome Water, and in such a secure and wholesome State as shall insure the due forthcoming and Health of the Animals impounded, or who shall demand or receive any Sum for the Keeping or Sustenance of any Animals in such Pound greater than the Sums fixed by this Act or by the Justice as aforesaid;

said, as the Case may be, or who shall neglect to feed any Animal impounded in such Pound, or who shall omit to post in a conspicuous Place any such Table or Notice, or to give any such Notice, as is directed by this Act, or who shall without due Authority liberate or permit to be liberated from such Pound any Animal impounded therein, shall be liable to a Fine not exceeding *Ten Pounds:*

legal Fees, omitting to post Tables or give Notices, or liberating without Authority:

2. Any Person who shall rescue or release, or attempt to rescue or release, any Animal out of or from any Pound, or out of any other Place in which any Animal shall be impounded under the Circumstances herein-before mentioned, or which shall have been seized or taken for the Purpose of being impounded, or who shall break down or injure any such Pound or Place, or any Lock, Bolt, or Fastening thereof, or do any Act by means of which any Animal seized or impounded therein shall escape or be unlawfully liberated therefrom, shall be liable to pay the Amount of the Injury done, and also a Fine not exceeding *Ten Pounds*, or to Imprisonment not exceeding *Three* Calendar Months; but in every Case of the Commission of any such Offence in rescuing or attempting to rescue any Distress, or in breaking or injuring any Pound, the Justice shall, if he shall so think fit, abstain from adjudicating summarily thereon, and deal with the same as a Case to be tried by Indictment at the Assizes or Quarter Sessions:

Persons rescuing Distresses, or injuring Pounds, or liberating Distresses:

But such Offences may be sent for Trial by Indictment:

3. Any Person who shall impound any Animal (except in Cases of Distresses for Rent) in any other Place than in a Manor Pound, or in such Pound in any Parish or Place where One shall be licensed under the Provisions of this Act (except under the Circumstances herein-before mentioned), or who shall omit to give such Notice to the Pound Keeper or to the Owner of any Animal impounded as is required by this Act, or who shall wilfully or by Negligence damage or injure or whereby Damage or Injury may be sustained by any Animal while driving or conveying the same to any Pound, shall be liable to a Fine not exceeding *Five Pounds*:

Any Person impounding elsewhere than in licensed Pound, or omitting to give Notice of impounding, or injuring Distresses:

Provided always, that nothing herein contained shall interfere with the Right of any Lord of a Manor to establish or continue any Manorial Pound for the impounding of Distresses made in such Manor which he is now by Law entitled to establish or continue, or to appoint from Time to Time any Person to be Keeper of such Pound; but the Regulation of such Pound, and the Duties of such Pound Keeper, shall in all other respects be subject to the Provisions of this Act, in like Manner and to the like Extent as any Pound established or any Pound Keeper licensed by the Justices at Petty Sessions in manner aforesaid.

But no Interference with Establishment, &c. of Manor Pounds:

But in other respects the Provisions of this Act to extend thereto.

Trespass of Animals.

XXVI. The Decision and Regulation of certain Matters relating to the Trespass of Animals shall be subject to the following Provisions:

No impounding when Owner of Animals is known; but Occupier of Land to deliver up Animals found trespassing to to their Owner, and shall then be entitled to the following Rates of Trespass. 14 & 15 Vict. c. 92. s. 20.

1. It shall not hereafter be lawful to impound any Animal found trespassing upon any Land or Premises when the Owner of such Animal shall be known, unless such Owner be a Drover, Hawker, Pedlar, Showman, or travelling Person, but the Occupier of such Land or Premises, or the Person by whom such Animal shall be found trespassing, shall either deliver up such Animal to the Owner, or to his Steward, Agent, Herdsman, Caretaker, or other Servant, or he shall show such Animal in the Act of trespassing to such Owner, Steward, Herdsman, Agent, Caretaker, or other Servant, and allow such Animal to be taken away by him; and the Owner of such Animal shall thereupon be liable to pay to the Occupier of such Land or Premises the Rate of Trespass fixed by the following Scale:

   Where the Trespass shall be on any Common Pasture Land, or on any arable uncropped Land, the Rates shall be, for every Day and Part of a Day,—

	s.	*d.*
For every Horse, Mare, Pony, Mule, Ass, Bull, Cow, Bullock, Heifer, or Pig - - - -	*1*	*0*
For every Calf, Sheep, or Lamb, or Animal not before described - - - - -	*0*	*6*
For every Goose - - - - - -	*0*	*6*
For every other Fowl - - - - -	*0*	*2*

   And where the Trespass shall be upon any fattening Pasture or Meadow Land, or mowing Grass, or upon any Land cropped with Corn, Peas, Flax, Vetches, Turnips, Rape, Potatoes, Green Crop, or other cultivated Vegetable, or in any Garden, the Rates shall be *double* the Amount of the preceding Rates:

But when Owner of Animal is not known it may be impounded.

2. But when the Owner of any such Animal shall not be known, or shall be a Drover, Hawker, Pedlar, Showman, or travelling Person, it shall be lawful for the Occupier of such Land or Premises, or for his Servant, or for any other Person on his Behalf, to impound such Animal in a licensed Pound of the Parish or Place where established (or in the Pound of the Manor) specifying in the Notice which he is required to give to such Pound Keeper (under the Provisions herein-before contained relating to the impounding of Animals) the Nature of the Land or Premises or Crop in which such Animal or Fowl shall have been found trespassing; and such Pound Keeper shall afterwards deliver up such Animal to the Owner, if known, or to any Person on his Behalf, either upon being so authorized in Writing by any Justice, or upon being paid by such Owner or Person the Amount legally due for Pound Fees and Rates of

Pound Keeper to deliver up Animal to Owner, on Authority of Sustenance, and also the Amount due under the above Scale of Rates, for a Trespass on any Land or Premises or Crop of the Nature specified in such Notice; and such Pound Keeper shall thereupon pay over the Amount of such Rate of Trespass to the Person by whom such Animal shall have been impounded, unless when required by any Justice, or by such Occupier by Notice in Writing, to hold over the same until any Dispute as to the same shall have been decided at Petty Sessions:

of Justice, on Payment of Rates, &c.

Pound Keeper to pay over Rates of Trespass, except in certain Cases.

3. Whenever either the Occupier of such Land or Premises or the Owner of such Animal shall not be satisfied with the Amount of such Rates (whether paid at the Time or not), it shall be lawful for the Justices at Petty Sessions, upon Complaint of such Occupier or Owner, to investigate the Case, and to make such Award against either Party as shall seem just, under all the Circumstances; and the Principle upon which they shall make such Award shall be, that the Owner of such Animal shall be deemed liable to pay to such Occupier the above Rate for a First Trespass, and *double* the above Rate for a Second Trespass, and *treble* the above Rate for a Third or subsequent Trespass, (whether any actual Damage shall have been done or not,) unless they shall be satisfied that such Trespass was caused by any neglectful Conduct on the Part of such Occupier, or that there are any other justifying Circumstances, in which Case they may declare him to be entitled either to no Rates or to a Part only of the Rates; and in any Case where any actual Damage shall have been done by such Trespass, it shall be lawful for the Justices to award a like Payment of such further Sum as, together with any Rates awarded, shall be equal to the Value of such Damage as shall be proved to their Satisfaction to have been actually caused by such Trespass; and in making any such Award the Justices shall allow Credit to the Owner of such Animal for the Amount of any Rate of Trespass paid by him at the Time, or where they shall award either no Rates or a lesser Amount than any Sum so paid at the Time, they may order that the whole or a Part of such Sum, as the Case may be, shall be refunded to such Owner:

When Parties are not satisfied, Justices to investigate the Case, and award the legal Rates, (whether actual Damage proved or not,) unless in case of Neglect of the Occupier of the Land:

First Trespass, Second Trespass, &c.:

But in case of actual Damage done, may award Compensation.

Justices may allow Credit for or order refunding of any Rates already paid, according to the Case.

4. Whenever it shall appear, in any Case in which any Complaint of Trespass shall be so made, that the Trespass shall have been caused by the bad or imperfect State or Destruction of any Fences, it shall be lawful for the Justices at Petty Sessions by Order in Writing to direct that the Occupier of the Land to which such Fences shall belong shall repair the same when wholly on his Land, or join in repairing the same when partly on his Land, within such reasonable Time as they

Justices may order Repair of Fences by Person who ought to repair the same.

Trespass of Animals.

shall fix for that Purpose; and in default of his so doing within such Time, it shall be lawful for such Justices, by a like Order in Writing, to authorize such Fences to be repaired by the Person who shall have been aggrieved by any such Trespass, who may thereupon enter and repair the same; and afterwards, upon Proof of the Expenses incurred by such Person in making such Repairs beyond what he may be himself bound to expend in case of Fences common to both Parties, it shall be lawful for such Justices to order that the same shall be paid (to any Amount not exceeding *Three Shillings* per Perch) by such Occupier, unless it shall be shown that the Person under whom such Occupier shall hold is bound by any Lease or Agreement to keep such Fences in repair, in which Case such Amount shall be paid by such Person; and in default of such Payment it shall be lawful for such Justices to order that such Amount shall be levied by Distress of the Goods of such Occupier or Person, as the Case may be, and paid over to the Person by whom such Repairs shall have been made.

Punishment for Offences against these Provisions: 14 & 15 Vict. c. 92. s. 20.

XXVII. And any Person who shall be guilty of any of the next following Neglects or Offences shall be liable to a Fine not exceeding *Five Pounds:*

Impounding, when Owner is known, or without lodging proper Notice.

1. Any Person who shall impound any Animal found trespassing, where the Owner of such Animal shall be known to him and have a known Residence, or who shall impound any Animal without giving to the Pound Keeper where a Pound in the same Parish or Place has been so established the Notice required by this Act:

Pound Keeper neglecting to liberate Animals, or to pay over Amount received.

2. Any Pound Keeper who shall neglect or refuse to receive any Animal for the Purpose of being impounded, or to impound the same, or to deliver up any Animal so impounded to the Owner, when authorized in Writing by any Justice so to do, or upon such Owner paying to him the Amount of the Pound Fees and Rates of Sustenance legally due and the Amount legally due for the Trespass, or who shall neglect (except when any Justice shall authorize him to hold over the same until the Decision of any Dispute as to the same at Petty Sessions) to pay over to the Person entitled to receive the same the Amount which shall be paid to him for the Trespass upon the Liberation of any such Animal:

Persons not preventing Animals from trespassing.

3. Any Person who, after Notice shall have been given to him that any Animal belonging to him has trespassed upon the Land or Premises of another, shall suffer such Trespass to be repeated, or shall not take proper Precaution to prevent a Repetition of the Trespass:

Justices may adopt such Means of

Provided always, that in all such Proceedings under this Act it shall be lawful for the Justices to adopt such Means as they shall see fit, either

Trespass of Animals.

either by the Employment of a Valuator or Arbitrators or otherwise, for the Purpose of informing themselves as to the Amount of any Damage done, or as to any other Circumstances proper to be inquired into on the Spot, or as to any other Facts of the Case upon which they shall be required to decide; and they may (if they shall think it necessary) order the Parties or either of the Parties to pay to any Person so employed such reasonable Sum as they shall fix, not exceeding *Seven Shillings and Sixpence* per Day, as Remuneration for his Trouble.

Proof as they shall see fit.

Power to deal summarily with Cases of oppressive Distresses. 5 Vict. c. 24. s. 67.

XXVIII. On Complaint made to any Justice by any Person who shall have occupied any House or Lodging, Land or Tenement, by the Week or Month, or whereof the Rent does not exceed the Rate of Fifteen Pounds by the Year, that his Goods have be been seized or taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of any Irregularity or Excess in respect of such Distress, it shall be lawful for such Justice to summon the Party complained against; and if upon the Hearing of the Matter it shall appear to the Justice that such Distress was improperly taken or unfairly disposed of, or that the Charges made by the Party having distrained, or having attempted to distrain, are excessive or too high, or are contrary to Law, or that the Proceeds of the Sale of such Distress have not been duly accounted for to the Owner thereof, it shall be lawful for the Justice to order the Distress so taken, if not sold, to be returned to the Tenant, on Payment of the Rent which shall appear to be due, at such Time as the Justice shall appoint, or if the Distress shall have been sold, then to order Payment to the said Tenant of the Value thereof, deducting thereout the Rent which shall so appear to be due, such Value to be determined by the Justice; and such Landlord or Party complained against, in default of Compliance with any such Order, shall forfeit to the Party aggrieved the Value of such Distress, not being greater than *Fifteen Pounds*, such Value to be determined by the Justice.

Power to order Delivery of Goods unlawfully detained to the Owner. 5 Vict. c. 24. s. 68.

XXIX. Upon Complaint made to any Justice by any Person claiming to be entitled to the Property or Possession of any Goods which are detained by any other Person, the Value of which shall not be greater than Fifteen Pounds, and not being Deeds, Muniments, or Papers relating to any Property of greater Value than Fifteen Pounds, it shall be lawful for such Justice to summon the Person complained of to appear at Petty Sessions, and to inquire into the Title thereto or to the Possession thereof; and if it shall appear to the Justice that such Goods have been detained without just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining such Goods has a Lien or Right to detain the same by

Trespass of Animals.

by way of Security for the Payment of Money, or the Performance of any Act by the Owner thereof, it shall be lawful for such Justice to order the Goods to be delivered to the Owner thereof, either absolutely, or upon Tender of the Amount appearing to be due by such Owner, (which Amount the Justice is hereby authorized to determine,) or upon Performance, or upon Tender and Refusal of the Performance, of the Act for the Performance whereof such Goods are detained as Security, or if such Act cannot be performed, then upon Tender of Amends for Nonperformance thereof (the Nature or Amount of which Amends the Justice is hereby authorized to determine); and every Person who shall neglect or refuse to deliver up the Goods according to such Order shall forfeit to the Party aggrieved the full Value of such Goods, not greater than the Sum of *Fifteen Pounds*, such Value to be determined by the Justice: Provided always, that no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited, by Suit or Action at Law, from the Person to whose Possession such Goods or Money shall come by virtue of such Order, so that such Action be commenced within *Six* Months next after such Order shall be made.

Accounting for stolen Property.

Justice may issue Search Warrant for certain Articles, and require Person to account for having same in his Possession; and on failing so to do he may be committed to Gaol till next Petty Sessions. 14 & 15 Vict. c. 92. s. 4.

XXX. Whenever any credible Witness shall prove upon Oath before a Justice, that there is reasonable Cause to suspect that any of the Articles of Property herein-after mentioned, has been taken or stolen, and is to be found in any House or other Place, it shall be lawful for such Justice to issue a Warrant to search such House or Place for such Property; and any Person in whose Possession or on whose Premises any of the said Articles of Property shall be found by virtue of any such Search Warrant (or by any Member of any Constabulary or of the Metropolitan Police Force when executing any Warrant, or otherwise acting in the Discharge of his Duty), and who shall not satisfy the Justice before whom he shall be brought that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, may be committed by such Justice until the next Day of holding Petty Sessions for the Division, unless he shall enter into a Recognizance with One or more Sureties to appear at such Petty Sessions; and if such Person shall be convicted at such Petty Sessions of any of the next following Offences he shall be liable to the Punishment herein-after specified in each Case:

Possession of shipwrecked Goods. 7 & 8 G. 4. c. 29. s. 19.

1. Any Person in whose Possession or on whose Premises any Goods, Merchandise, or other Articles belonging to any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore, shall be so found, and who shall not satisfy the Justices that he came lawfully by the same, or that the same was on his Premises without his Knowledge or Assent, shall be liable to a Fine

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a Fine not exceeding *Fifty Pounds*, or to be imprisoned for a Term not exceeding *Twelve* Months:

Possession of Mutton, Deer, &c. 7 & 8 G. 4. c. 29. s. 27. 14 & 15 Vict. c. 92. s. 4.

2. Any Person in whose Possession or on whose Premises the Carcase of any Sheep, Lamb, or Deer, or the Head, Skin, or other Part thereof, or any Venison, Mutton, Fat, Skin, or Fleece of such Deer, Sheep, or Lamb, shall be so found, and who shall not account for the same in manner aforesaid, shall be liable to a Fine not exceeding *Ten Pounds*, or to be imprisoned for a Term not exceeding *Three* Months:

Possession of stolen Wood.

3. Any Person in whose Possession or on whose Premises the whole or any Part of any Tree, Sapling, or Shrub, or any Underwood, or any Part of any live or dead Fence, or any Post, Pale, Rail, Stile, or Gate, or any Part thereof, (being of the Value of *One Shilling* at the least,) shall be so found, and who shall not account for the same in manner aforesaid, shall pay to the Party aggrieved the Value of the Article or Articles so found, and shall also be liable to a Fine not exceeding *Forty Shillings*, or to be imprisoned for a Term not *One Month*:

Offering shipwrecked Goods for Sale. 7 & 8 G. 4. c. 29. s. 20. 14 & 14 Vict. c. 92. s. 4.

4. Any Person who shall offer or expose for Sale any Goods, Merchandise, or Articles which shall have been unlawfully taken, or reasonably suspected to have been taken, from any Ship or Vessel in Distress, or wrecked, stranded, or cast on shore as aforesaid, (whether found by virtue of a Search Warrant or not,) and who shall not account for the same in manner aforesaid, shall pay such Sum as the Justices shall fix as a reasonable Reward to the Person who shall have seized the same, and shall also be liable to a Fine not exceeding *Thirty Pounds*, or to be imprisoned for a Term not exceeding *Six* Months (and in every such Case any Person to whom the same shall be offered for Sale, or any Officer of the Customs or Excise or Constabulary Force, or other Peace Officer, may lawfully seize the same, and shall with all convenient Speed carry the same or give Notice of such Seizure to some neighbouring Justice):

(Officers of Customs, &c. may seize the Goods.)

Persons having stolen or unlawfully obtained Goods in their Possession. 5 Vict. c. 24. s. 53.

5. Every Person who shall be charged with having in his Possession or upon his Premises, with his Knowledge or under his Control or Care, or conveying in any Manner, anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an Account to the Satisfaction of such Justice how he came by the same, shall be liable to be imprisoned for a Term not exceeding *Three* Months, or to a Penalty not more than *Ten Pounds*:

Accounting for stolen Property.

Justices may order Restitution of the stolen Property.

And in every Case where any such Articles of Property shall be of a perishable Nature, it shall be lawful for the Justice by whom such Person shall be bound to appear at Petty Sessions, to direct, that the same shall in the meantime be delivered over to such Person, as he or they shall be clearly satisfied to be the rightful Owner thereof; and in every Case where any such Articles of Property shall not be so delivered over in the first instance, it shall be lawful for the Justice or Justices by whom the Case shall be heard at Petty Sessions, to direct that the same shall be delivered over to the rightful Owner, if known, or if the rightful Owner shall not be known, that the same shall be sold, and the Proceeds thereof applied in like Manner as any Penalties awarded to the Crown: Provided always, that if any Person shall not under the Provisions last aforesaid be liable to Conviction, then, for the Discovery of the Person who actually stole such Articles of Property, it shall be lawful for the Justice or Justices, at their Discretion, as the Evidence given and the Circumstances of the Case shall require, to summon before them any Person through whose Hands such Articles of Property or any Part thereof shall appear to have passed; and if the Person from whom the same shall have been first received, or any Person who shall have had Possession thereof, shall not satisfy the Justice or Justices that he came lawfully by the same, he shall be liable to the Punishment herein-before specified in each Case.

In case the Persons in possession are not convicted, Justices may summon other Persons.

On Suspicion of Goods stolen or unlawfully obtained, Justice may grant a Search Warrant. 5 Vict. c. 24. s. 64.

XXXI. When Oath shall be given to any Justice on Information by any Party that there is reasonable Cause for suspecting that any Thing stolen or unlawfully obtained is concealed or lodged in any Dwelling House or any other Place, such Justice is hereby empowered, by special Warrant under his Hand, directed to any Constable, to cause every such Dwelling House or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by such Warrant; and the said Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, such Constable having previously made known such his Authority, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, and if upon Search thereupon made any such Thing shall be found, then to convey the same before a Justice, or to guard the same on the Spot until the Offenders are taken before a Justice, or otherwise dispose thereof in some Place of Safety, and moreover to take into Custody and carry before the said or some other Justice every Person found in such House or Place who shall appear so have been privy to the Deposit of any such Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

XXXII. When any Person shall be brought before any Justice charged with having, or conveying, any Thing stolen or unlawfully obtained, and shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, such Justice is hereby authorized and required to cause every such Person, and also, if necessary, every former or pretended Purchaser, or other Person through whose Possession the same shall have passed, to be brought before him and examined, and to examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any Person shall have had Possession of such Thing, and had reasonable Cause to believe the same to have been stolen or unlawfully obtained, every such Person shall be deemed guilty of a Misdemeanor, and to have had Possession of such Thing at the Time and Place when and where the same shall have been found or seized, and the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, who shall be liable to a Penalty not less than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned for a Term not exceeding *Three* Months.

Party to whom stolen Goods are received to be examined by the Justice. 5 Vict. c. 24. s. 65.

XXXIII. If any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made thereof to any Justice, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods, it shall be lawful for such Justice to issue a Summons or Warrant for the Appearance of such Broker, or Dealer, or Person, and for the Production of the Goods, and to order such Goods to be delivered up to the Owner thereof, either without any Payment, or upon Payment of such Sum and at such a Time as the Justice shall think fit; and every Broker or Dealer or Person, who being so ordered shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice: Provided always, that no such Order shall bar any such Broker or Dealer or Person from recovering Possession of such Goods by Suit or Action at Law from the Person into whose Possession they may come by virtue of the Justice's Order, so that such Action be commenced within *Six* Calendar Months next after such Orders shall be made.

Justice may order Delivery of stolen Goods. 5 Vict. c. 24. s. 66.

Not to prevent Brokers, &c. from proceeding by Action against Party to whom Goods ordered to be delivered.

XXXIV. If any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of

Power to order Delivery of

Possession of Goods charged to have been stolen or fraudulently obtained, and in Custody of Constables.
5 Vict. c. 24. s. 67.

of any Warrant of a Justice, or in Prosecution of any Charge of Felony or Misdemeanor, in regard to the obtaining thereof, and the Person charged with stealing, or obtaining Possession as aforesaid, shall not be found, or shall have been summarily convicted, or discharged, or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in any Indictment upon which he shall have been found guilty, it shall be lawful for any Justice to make an Order for the Delivery of such Goods, or Money, to the Party who shall appear to be the rightful Owner thereof, or, in case the Owner cannot be ascertained, then to make such Order with respect to such Goods or Money as to such Justice shall seem meet: Provided always, that no such Order shall be any Bar to the Right of any Person or Persons to sue the Party to whom such Goods or Money shall be delivered, and to recover such Goods or Money from him by Action at Law, so that such Action shall be commenced within *Six* Calendar Months next after such Order shall be made.

Unclaimed stolen Goods may be sold after Twelve Months.
5 Vict. c. 24. s. 58.

XXXV. When any Goods or Money charged to be stolen or unlawfully obtained, and of which the Owner shall be unknown, shall be ordered by any Justice to be delivered to the Chief Constable, or Superintendent of the Division where a Constabulary Force shall be established, or otherwise to some Constable, or to some Party specially named and appointed, it shall be lawful for the Chief or other Constable or Party, after the Expiration of *Twelve* Months during which no Owner shall have appeared to claim the same, or have substantiated his Claim thereto, to sell or dispose of such Goods or Money, and pay over the net Proceeds as any Penalty or Portion of Penalty to the Crown.

Power to award Costs on hearing of Charges.
5 Vict. c. 24. s. 59.

XXXVI. It shall be lawful for any Justice who shall hear and determine any Charge or Complaint, whether or not a Warrant or Summons shall have been issued in consequence of such Charge or Complaint, to award such Costs as to him shall seem meet to be paid to or by either of the Parties to the said Charge or Complaint.

Amends may be awarded for frivolous Informations.
5 Vict. c. 24. s. 60.

XXXVII. And whereas Informations are often laid for the mere Sake of Gain, or by Parties not truly aggrieved, and the Offences charged in such Informations are not further prosecuted, or it appears upon Prosecution that there was no sufficient Ground for making the Charge: Be it enacted, That in every Case in which any Information or Complaint of any Offence shall be laid or made before any Justice, and shall not be further prosecuted, or which, if further prosecuted, it shall appear to the Justice by whom the Case shall be heard that there was no sufficient Ground for making the

Charge, the Justice shall have Power to award such Amends, not more than the Sum of *Five Pounds*, to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expenses in the Matter, as to the Justice shall seem fit.

Penalties on Informers for compounding Informations. 5 Vict. c. 24. s. 61.

XXXVIII. In case any Person shall lodge any Information before any of the said Justicess for any Offence alleged to have been committed by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of some Justice, any Sum of Money or other Rewards for compounding, delaying, or withdrawing the Information, it shall be lawful for any Justice to issue his Warrant or Summons, as he may deem best, for bringing before him the Party charged with the Offence of such compounding, Delay, or Withdrawal; and if such Offence be proved by the Confession of the Party, or by the Oath of any credible Witness, such Informer shall be liable to a Penalty not exceeding *Ten Pounds*.

Power to lessen the Shares of Informers. 5 Vict. c. 24. s. 62.

XXXIX. And whereas by divers Acts, the Moiety, or other fixed Portion of the Penalties, to be thereby recovered, is directed to be adjudged to the Informer, and the same has been found to encourage the corrupt Practices of common Informers: For Prevention thereof be it enacted, That where by any Act now in force, or hereafter to be passed, a Moiety or other fixed Portion of the Penalty, or Penalties thereby imposed is, or shall be directed to be paid to the Informer, not being the Party aggrieved, it shall be lawful for any Justice before whom the Conviction shall be had, to adjudge that no Part, or such Part only of the Penalty as he shall think fit, shall be paid to the Informer.

Power to mitigate Penalties. 5 Vict. c. 24. s. 63.

XL. And whereas by divers Acts, certain limited Penalties, or Terms of Imprisonment, are imposed for Offences therein mentioned, and sufficient Power is not given to the Justice or Justices before whom the Offender is convicted, to reduce, or lessen such Penalty, or Term of Imprisonment, whereby much Hardship is experienced: Be it enacted, That where by any Act now in force, or hereafter to be passed, a limited Penalty, or Term of Imprisonment, is imposed on Conviction of an Offender, before a Justice or Justices of the Peace, it shall be lawful for any Justice, before whom such Conviction shall be had, to reduce, or lessen, such Penalty, or Term of Imprisonment, in such Manner as he may think fit: Provided always, that no Penalty, for the Infringement of any Act relating to the Revenue of Customs or Excise, Stamps or Taxes, or Inland Revenue, shall be reduced by any such Justice below the Amount or Proportion allowed in that Behalf, by the Act or Acts, specially relating thereunto, without the Consent of the Commissioners of Customs or Inland Revenue respectively.

Proviso as to Revenue Acts.

Procedure.

Adjudication of Case. 14 & 15 Vict. c. 93. s. 21.

Justices either to convict, or to dismiss the Complaint on the Merits or without Prejudice.

Entry of Orders.

XLI. In all Cases of Summary Jurisdiction, the Justice and Justices, having heard what each Party shall have had to say, and the Evidence adduced by each, shall either make such Order as shall be authorized by this Act, or by the Act under which the Complaint shall be made, or shall dismiss the Complaint, either upon the Merits or without Prejudice to its being again made; and the Entry of the Order so made shall be as follows:

1. One of the Justices then present shall thereupon enter or cause the Clerk to enter the Particulars of such Case and the Substance of the Decision thereon in a Book to be kept for that Purpose, to be called the "Order Book," according to the Form (L.) (and shall, in case of a Dismissal, state whether the same is upon the Merits, or without Prejudice to a further Complaint); and such Entry, when One of the Justices present shall have signed his Name opposite to it, or after it, (which One of the said Justices is hereby required to do), shall be deemed to all Intents and Purposes a Conviction or Order, as the Case may be:

If Order made out of Petty Sessions.

2. Whenever any Justices shall have made any such Conviction, or Order, out of Petty Sessions, in the Cases permitted by this Act to be decided out of Petty Sessions, they shall either enter the same in the Order Book, in manner aforesaid, or shall enter the Substance of the Decision in the Form of Certificate (I.), and shall forthwith, or at furthest before next Court Day, deliver or forward such Certificate to the Clerk of Petty Sessions of the Division, who shall enter the same in the proper Order Book (with a special Note that he has so done), and shall submit such Entry for Signature to the Justices by whom the Order shall have been made upon the next Day of his Attendance at Petty Sessions; but in case such Justices shall not sign the same, the Clerk shall make a special Entry to that Effect in the Order Book opposite to such Case, and shall preserve the original Certificate as a Record of the Proceeding:

Return and Entry of Cases decided out of Petty Sessions in which Constables prosecute or act.

3. Where a Constabulary Force or paid Constables are established, the Superintendent, superior Officer, or Constable of the District, shall make a Return to the Justices at each Petty Sessions, of the Particulars of any Cases of Summary Jurisdiction, in which any Justices of the said Petty Sessions, shall have made any Order, or issued any Warrant out of Petty Sessions, and in which any Constable of such District, or any Parish in such District, shall have been engaged, since the next preceding Petty Sessions:

Convictions need not be returned to Quarter Ses-

And it shall not hereafter be necessary to return to Quarter Sessions Copies of the Summary Convictions so made and entered at Petty

Procedure.

Petty Sessions; but if either Party shall require it, a Certificate (Form I.) of any Order so made (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions,) and countersigned by the Clerk, shall be delivered to him at any Time, and such Certificate shall operate to all Intents as a good Form of Conviction or Order, as the Case may be, for any Purpose for which any Form of Conviction or Order may now by Law be required; and in case of a Dismissal, where the same shall be stated therein by the Justice to have been a Dismissal on the Merits, or that any Assault was of a trifling or justifiable Nature (and which he is hereby required to state if the Case be so), such Certificate, upon being produced, shall be a Bar to any subsequent Information or Complaint or Proceeding, Civil or Criminal, for the same Matter, against the same Party; and in any such Case, such Certificate shall, on Proof of the Signature of the Justice to the same, be received as good Evidence of the Conviction or Order, in all Courts of Justice.

sions as hitherto; but Certificate of Order to be given to Party; and Certificate of a Dismissal on the Merits to be a Bar to future Proceedings, and to be good Evidence of Conviction.

XLII. In all Cases of Summary Jurisdiction, it shall be lawful for the Justice and Justices, in adjudicating thereon, to exercise the following general Powers, whether the same shall be authorized by the Act under which the Complaint shall be made or not:

General Powers in adjudicating. 14 & 15 Vict. c. 93. s. 22.

1. In every Case where the Justice or Justices, shall be authorized to award any penal or other Sum, they may order (Form N.) that the same shall be paid either forthwith or at such Time as they shall see fit to fix for that Purpose, and in Cases of a Civil Nature, or which partake of a Civil Nature, that such Sum may be paid either at once or by Instalments:

Justices may in all Cases fix the Time and Manner of Payment.

And in default of Payment of any Instalment, the Justice or Justices may order the whole Amount due, or the Amount of such Instalments in arrear only, to be enforced, in the same Manner as the full Amount ordered to be paid, and so from Time to Time, until the full Amount ordered to be paid, is, with all Costs, fully paid and satisfied:

In default of Payment of Instalment, the whole Amount due may be levied.

2. In every Case where a Penalty is inflicted upon a Person, and also a Sum of Money ordered to be paid by him as Damage or Compensation, or as an awarded Sum, and if the Offender shall be committed to Prison, such Commitment or Imprisonment shall not operate to discharge him from the Amount ordered to be paid by him for Damage, Compensation, or awarded Sum, but such Sum may, with all Costs, be levied and enforced by Distress and Sale of the Offender's Goods:

When Penalty is inflicted, or Party is imprisoned, the Commitment shall not discharge Amount of any Damage ordered to be paid.

Damage may be levied by Distress.

3. In every Case where the Justice or Justices, shall award any penal, or other Sum, to be paid, he and they may order that, in default of the said Sum being paid at the Time and in the Manner directed by their Order, the Goods of the Person

In all Cases Distress may

be ordered on Nonpayment.

against whom the said Order shall be made shall be distrained for such Sum, or for so much of such Sum as shall remain unpaid at the Time fixed, and also for the Costs of such Distress:

Imprisonment may be ordered in default of Distres, according to Scale.

4. In every Case of an Offence where they shall order that a Distress shall be made in default of Payment of any penal or other Sum, they may order that in default of the said Sum being paid as directed the said Person shall be imprisoned for any Term not exceeding the Period specified in the following Scale:

For any Sum	The Imprisonment not to exceed
Not exceeding 20*s.* - - - -	*Fourteen Days.*
Exceeding the last, but not exceeding 2*l.* -	*One Month.*
Exceeding the last, but not exceeding 5*l.* -	*Three Months.*
Exceeding the last - - - -	*Six Months.*

Term of Imprisonment may be directed in Distress Warrant.

So also in like Cases in the first instance where no Goods, or the Distress would be ruinous.

And any such Imprisonment shall be determinable, upon Payment of the said Sum and Costs, and any Costs of the Distress, where a Distress shall have been made; and such Imprisonment may be directed in the same Warrant as such Distress; but if the said Person shall admit, or if it shall be otherwise proved on Oath, that he has no Goods, or that a Distress would be ruinous or injurious to him or his Family, they may order that such Person shall be imprisoned in the first instance for the like Period for which he might be imprisoned in default of Distress:

Justices at Petty Sessions may substitute Distress for Committal, and vice versâ on Failure of First Warrant.

5. In every Case of an Offence, where the Order shall only have directed Distress in default of Payment of a Penal Sum, and it shall afterwards be found impracticable, or difficult to execute a Warrant of Distress, it shall be lawful for the Justice or Justices at Petty Sessions to order a Warrant to issue to commit the Person against whom such Order shall have been made to Gaol for such Period as might have been directed by the original Order; and in like Manner where the Order shall have only directed Imprisonment, and it shall be found impracticable, or difficult to execute a Warrant of Committal, it shall be lawful for the Justice or Justices at Petty Sessions, to order a Warrant to issue to levy by Distress of the Goods of scuh Person, such Penal Sum as might have been awarded by the original Order; and in all such Cases a Note of such Proceeding shall be made by the Justices in the Order Book:

Power to award Hard Labour.

6. In every Case of an Offence under this Act, or where an Act shall authorize the Justice or Justices to order Imprisonment, they, according as he or they shall see fit, may adjudge by his

or their Order, that the said Imprisonment shall be either with or without Hard Labour, or such Labour as shall be imposed by the Rules and Regulations of any Gaol or House of Correction to which such Offender shall be committed:

Procedure.

7. In every Case of an Offence, where the Person against whom an Order to imprison shall be made shall then be in Prison undergoing Imprisonment, upon a Conviction for any other Offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the Imprisonment shall commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced:

Imprisonment may commence at Expiration of Imprisonment under previous Conviction.

8. In every Case where any Sum shall be awarded under the Provisions of this, or any Act, as Compensation for Damage, or as the Value of any Article, or as the Amount of any Injury done, such Sum shall be paid to the Party or Public Body aggrieved, but where the Party aggrieved is unknown, such Sum shall be applied in like Manner as any Penalties awarded to the Crown; and where several Persons join in an Offence, and are severally punished each in the Amount of the Injury done, no more than One of such Sums shall be paid to the Party aggrieved, and the rest shall be applied as other Penalties awarded to the Crown:

Any Compensation awarded shall be paid to Party aggrieved, except in certain Cases.

9. In every Case where the Act under which any Penal Sum shall be ordered to be paid as a Penalty for an Offence (and no Sum shall be awarded to the Complainant as Compensation for Damage), it shall be lawful for the Justices to award any Sum not exceeding *One Third* of such Penal Sum to the Prosecutor or Informer, and the Remainder of such Sum and all other Penal Sums shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding:

Appropriation of Fines and Penalties.

When Informer may receive a Portion, Remainder to the Crown.

10. In all Cases the Justice may order that the Defendant shall pay to the Complainant, or in case of a Dismissal that the Complainant shall pay to the Defendant, such Sum for Costs as to such Justice shall seem fit, and the same shall be recoverable in the same Manner as any penal or other Sum adjudged to be paid by the Justice:

Power to award Costs in all Cases to either Party.

Provided always, that every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or shall be punishable on Summary Conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal Offender or before or after his Conviction, and shall be liable, on Conviction, to the same Forfeiture and Punishment to which such principal Offender shall be by Law liable (except where the Age of such Aider or Abettor shall exceed *Fourteen* Years, in which Case he shall be liable to the same Forfeiture and Punishment to which any principal

Aiders and Abettors in the Commission of Offences to be punishable on Summary Conviction as Principals. 11 & 12 Vict. c. 43. s. 5.

Offender

Offender whose Age shall exceed *Fourteen* Years shall be liable), and may be proceeded against and convicted, either in the County where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Enforcement of Orders.

Upon Conviction, Warrant to issue peremptorily. 14 & 15 Vict. c. 93. s. 23.

XLIII. In all Cases of Summary Jurisdiction, whenever an Order shall be made upon the Conviction of any Person for an Offence, the Justice or Justices shall issue the proper Warrant for its Execution forthwith, when the Imprisonment is to take place immediately, or at the Time fixed by the Order for the Imprisonment to take place where it is not to be immediate, or directly upon the Nonpayment of any penal or other Sum or the Nonperformance of any Condition at the Time and in the Manner fixed by the Order for that Purpose, unless the Imprisonment or penal or other Sum shall have been remitted by the Crown or other competent Authority in the Interval; and whenever an Order shall be made in any Case of a Civil Nature, or which partakes of a Civil Nature, and the same shall not be obeyed, the Justice shall issue the proper Warrant for its Execution at any Time after the Time fixed for Compliance with its Directions, where required so to do by the Person in whose Favour such Order shall have been made, or by some Person on his Behalf, and it shall not be necessary that the Justice by whom any such Warrant shall be issued shall be the Justice or One of the Justices by whom the Order shall have been made: Provided always, that in every Case where the Party being entitled to appeal against any such Order shall have duly given Notice thereof, and entered into a Recognizance to prosecute the same in the Manner herein-after provided, it shall not be lawful for any Justice to issue any Warrant to execute the said Order until such Appeal shall have been decided, or until the Appellant shall have failed to perform the Condition of such Recognizance, as the Case may be (except where any Act shall expressly authorize or direct the Levy of any Sum to be made notwithstanding the Appeal); and in any Case where any Person shall be in Custody, or shall have been committed to Gaol, or any Warrant of Distress shall have been issued or executed under any such Order, the Justice by whom the Warrant shall have been issued, or any other Justice of the same County, shall, upon an Application being made to him in that Behalf, forthwith order the Discharge of such Person from Custody or from Gaol, or that such Warrant of Distress shall not be executed, or that if executed the Distress shall be returned to the Owner, as the Case may be.

In Civil Cases Warrants to issue on Application of Party;

but no Execution of Order pending an Appeal;

except in certain Cases:

or if Warrant issued, not to be executed, or if executed, Party to be discharged or Distress to be returned.

Appeals.

14 & 15 Vict. c. 93. s. 24.

XLIV. In any Case of Summary Jurisdiction, where an Order shall be made by any Justice or Justices for Payment of any penal or other

In what Cases Appeals shall be permitted.

Appeal only to next Assizes or Quarter Sessions.

Appeal subject to the following Provisions:

other Sum exceeding Twenty Shillings, or for any Term of Imprisonment exceeding One Month, or for the doing of anything at a greater Expense than Forty Shillings, or for the estreating of any Recognizance to a greater Amount than Twenty Shillings, (but in no other Case,) either Party (whether he shall be the Complainant or the Defendant) in Cases of a Civil Nature, or the Party against whom the Order shall have been made in other Cases, shall be entitled to appeal to the next Assizes, or Quarter Sessions to be held in the same County, or in the same Division of the County when the Order shall have been made by any Justice or Justices of any Petty Sessions Division, (or to the Recorder of any City, Corporate or Borough Town at his next Sessions when the Order shall have been made by any Justice or Justices of such City, Corporate or Borough Town,) (unless when any such Sessions shall commence within Fourteen clear Days from the Date of the Order, in which Case the Appeal may be made to the next succeeding Assizes or Sessions of such County, Division, City, or Town); and such Appeal shall be subject to the following Provisions:

Notice to be given within Seven Days:

1. The Appellant shall serve Notice in Writing of his Intention to appeal, upon the Clerk of Petty Sessions, within *Seven* Days from the Date of the Order against which the Appeal shall be made:

Recognizance to prosecute Appeal.

Amount of Recognizance.

2. He shall also, within *Three* Days after such Service of Notice as aforesaid, enter into a Recognizance according to the Form (J), with Two solvent Sureties, or One sufficient Surety, if the said Justice shall so think fit, conditioned to prosecute such Appeal, and to pay the Costs thereof, or such Costs as the Court shall award and order him to pay, and the Amount of such Recognizance shall also be for the Amount of the Sum and Costs ordered to be paid, where Payment only is ordered, or of such reasonable Amount as the Justices shall see fit, where Imprisonment is ordered:

Form of Appeal.

3. Whenever the Appellant shall have given such Notice and entered into such Recognizance, there shall be delivered to him the Form of Appeal (H.), containing a Certificate of the Order against which he shall appeal (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions); and it shall also be therein certified by the Clerk of Petty Sessions that the said Notice was duly given, and that the said Recognizance was duly entered into, if the Fact shall be so:

Recognizance to Appeal to be transmitted to Clerk of Assize or Clerk of Peace.

4. In every Case where an Appeal shall be so made, the Clerk of Petty Sessions shall transmit the Recognizance entered into to prosecute such Appeal and all other Proceedings in such Case to the Clerk of Assize, or to the Clerk of the Peace, or to the proper Officer of the Recorder's Court, at least *Seven* clear Days before the Commencement of the Assizes or Sessions to which the Appeal shall be made, or as soon after-

Clerk to send to the Respondent Notice of Appellant having perfected Recognizance.

wards as may be practicable; and shall also deliver, or send by Post or otherwise, to the other Party, Notice of such Appellant having perfected such Recognizance, within *Three* Days after the same shall have been done:

Appellant to give Notice to opposite Party.

5. The Appellant shall give Notice in Writing to the opposite Party of his Intention to prosecute his Appeal at least *Fourteen* clear Days before the Commencement of the Assizes or Sessions to which the Appeal shall be made:

12 & 13 Vict. c. 45. s. 1.

Court may decide Appeal, and give Costs not exceeding Five Pounds.

Officer of Court to certify Decision;

or certify upon and return Recognizance if Appeal is not prosecuted.

6. Whenever an Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the said Court to entertain the same, and to confirm, vary, or reverse the Order made by the Justice or Justices (as so certified in such Form of Appeal), and to award to either Party any Sum not exceeding *Five Pounds* for the Costs of such Appeal, besides the Costs of the Attendance of necessary Witnesses; and whenever the said Court of Appeal shall have decided any such Appeal, the Clerk of Assize or the Clerk of the Peace or proper Officer of the Recorder's Court, as the Case may be, shall certify such Decision at Foot of the Form of Appeal, and return the same and the said Proceedings to the Justices of the Petty Sessions at which the Order shall have been made, by delivering or sending the same to their Clerk immediately after such Appeal shall have been decided; and whenever any such Appeal shall not have been duly prosecuted, the Clerk or proper Officer of the Court shall so certify upon such Recognizance, and return the same in like Manner to the Justices of the Petty Sessions from which the same shall have been transmitted, immediately after the Termination of the Assizes at the Place where and of the Sessions at which such Appeal ought to have been prosecuted, and which Certificate shall be free from any Charge:

If Order is not varied on Appeal, Justice shall issue Warrant for Execution of the same; but where Order is varied, Warrant to issue for Execution of Order of Court of Appeal.

7. And whenever it shall appear from such Certificate that such Appeal has not been duly prosecuted, or that the original Order has been confirmed upon Appeal, the Justice or Justices who shall have made the original Order, or any other Justice of the same Petty Sessions, shall issue the proper Warrant for the Execution of the same as if no such Appeal had been brought; and in every Case in which it shall appear from such Certificate that the Court of Appeal shall have varied the original Order, the said Justice or Justices shall forthwith issue the proper Warrant for the Execution of the Order so made by the Court of Appeal, in like Manner as they might have issued a Warrant for the Execution of the original Order in case no Appeal had been prosecuted; and if upon any such Appeal either Party shall be ordered to pay Costs, it shall be lawful for such Justice or Justices to enforce Payment of the same,

Appeals.

Costs of Appeal how recovered.

Where Party has been imprisoned he is only to be imprisoned for Remainder of Period.

same, in like Manner as any Costs awarded by the original Order; and in any Case where any Order by which any Person shall be adjudged to be imprisoned shall be confirmed on Appeal, such Person shall be liable to be imprisoned for the Period adjudged by the original Order, where he shall not have been apprehended under the original Order, or where he shall have so been apprehended and discharged, then for such Period as together with the Time during which he shall so have been in Custody shall be equal to the Period adjudged by the original Order:

In certain Cases, where Party fails to prosecute Appeal, Justice may estreat Recognizance.

Appellant may be ordered by the Court forthwith to be committed to Gaol to undergo his Term of Imprisonment.

Provided always, that whenever the Party bound by Recognizance to prosecute an Appeal against an Order to imprison, shall have absconded, or when the Party bound to prosecute an Appeal against an Order for Payment of any penal, or other Sum, shall have no Goods whereon to levy same by Distress, it shall be lawful for any Justice or Justices acting at the Petty Sessions where the original Order was made, and after like Proof of Notice to the Parties as in estreating other Recognizances in Summary Proceedings, to make an Order for estreating the Recognizance in any such Case to such Amount as they shall see fit, and for paying out of such Amount such Sum as shall have been directed to be paid to any Party by such original Order, and thereupon to issue a Warrant (E.) for the Levy of the same upon the Goods of the several Persons bound thereby: Provided also, that when an Appeal shall have been made against an Order of Imprisonment, and if such Appeal shall not be duly prosecuted by the Appellant, or if the Judgment of the Court appealed to shall confirm the original Order, the Court, upon the Application made for that Purpose, may order the Appellant forthwith to be committed to Gaol, to undergo his Term or the Remainder of his Term of Imprisonment as adjudged by the Order so appealed against.

Execution of Warrants.

Warrants addressed to Constables.

14 & 15 Vict. c. 93. s. 32.

When addressed to other Persons.

XLV. The Manner in which Distresses, and Committals, under Warrants, or Orders, shall be made, shall be as follows:

1. Whenever any Warrant to levy any penal or other Sum by Distress, shall be addressed to any Constable, the Sums levied under it shall be accounted for under the Provisions of Section Thirty-one of an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three; but whenever any such Warrant shall be addressed to any other Person than a Constable, such Person shall pay over the Sum levied under it to the Person who shall appear by such Warrant to be entitled to the same, or in such other Manner, and subject to such Account of the same, as the Justice or Justices shall direct:

Execution of Warrants.

Distress may be sold in a certain Time.

2. In every Case where a Distress shall be made under any such Warrant, it shall be lawful for the Person charged with its Execution, to sell the said Distress, within such Period as shall be specially fixed by the said Warrant, or if no Period shall be so fixed, then within the Period of *Five* Days from the making of the Distress, unless the Sum for which the Warrant was issued, and also the reasonable Charges of taking and keeping the said Distress, shall be sooner paid; and in every Case where he shall sell any such Distress, he shall render to the Owner the Overplus, if any, after retaining the Amount of the said Sums and Charges:

On Payment of Penalty, &c. Distress not to be levied.

3. In every Case where any Person against whom any such Warrant shall be issued, shall pay or tender to the Person having the Execution of the same, the Sum in such Warrant mentioned, or shall produce the Receipt of the Officer of the Court for the same, and shall also pay the Amount of the Expenses of such Distress, up to the Time of such Payment or Tender, such Person shall refrain from executing the same:

Distress may be sold by Auction by a Constable without Licence.

4. In every Case where any Constable, shall be empowered to distrain any Goods under such Warrant, he may and is hereby authorized to sell or cause the same to be sold by Auction, as the Case may be, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred in effecting the same:

If Sum paid after Committal, Prisoner to be discharged.

5. In every Case where any Person who shall be apprehended under any such Warrant, shall pay or cause to be paid to the Keeper of the Gaol, in which he shall be imprisoned, the Sum in the Warrant mentioned, the said Keeper shall receive the same, and shall thereupon discharge such Person if he be in his Custody for no other Matter:

Gaoler to give Receipt for Prisoners.

6. Whenever the Warrant shall be to commit any Prisoner to Gaol, the Constable, or other Person, whose Duty it shall be to convey such Prisoner to Gaol, shall deliver over the said Warrant, and the said Prisoner, to the Keeper of the Gaol, who shall thereupon give to such Constable or other Person a Receipt for such Prisoner, setting forth the State and Condition in which he shall have been delivered into the Custody of such Keeper:

To what Prisons Offenders shall be committed in Summary Proceedings.

7. In any Case of Summary Jurisdiction, in which a Justice shall order any Person to be committed to Gaol, for any Period, either in default of Payment of any Sum, or in default of Distress, or as a Punishment for any Offence, such Committal shall be to the County Gaol, District Bridewell, or House of Correction of the County in which the Party shall be arrested, unless

Execution of Warrant.

unless where such Arrest shall be made in any County adjoining to that in which the Warrant shall have been issued, in which Case the Committal shall be to any of the said Prisons of such last-mentioned County; and whenever any Justice shall order any Person to be committed on account of any Adjournment of the Hearing, or until the Return of a Warrant of Distress, or for any like temporary Purpose, such Committal shall be either to the Gaol or House of Correction, District Bridewell, or to any Bridewell or Lock-up of the County, City, Borough, or Place, according as shall appear to the Justice most convenient for that Purpose.

Return of unexecuted Warrants. 14 & 15 Vict. c. 93. s. 33.

XLVI. Whenever the Person to whom any Warrant shall be so addressed, transmitted, or endorsed for Execution, shall be unable to find the Person, against whom such Warrant shall have been issued, or his Goods, as the Case may be, or to discover where such Person or his Goods are to be found, he shall return such Warrant to the Justices by whom the same shall have been issued, within such Time as shall have been fixed by such Warrant, (or within a reasonable Time where no Time shall have been so fixed,) and together with it a Certificate (G.) (G *a.*) of the Reasons why the same shall not have been executed; and it shall be lawful for such Justice to examine such Person on Oath touching the Non-execution of such Warrant, and to re-issue the said Warrant again, or to issue any other Warrant for the same Purpose from Time to Time as shall seem expedient.

Averment of previous Conviction in subsequent Proceedings. 12 Vict. c. 11. s. 4.

XLVII. When any Proceedings shall be taken, and carried on against any Person, for a Second, or any subsequent Offence, against the Provisions of the same Statute, and punishable upon Summary Conviction, every previous Offence may be shortly and concisely stated in all Proceedings against the Party, by inserting therein, after stating the last Offence, an Averment of the Date and Place of each or either previous Conviction or Order, in the Words and Figures following, or to the like Purport and Effect, "the same being his "(Second) Offence of the same Nature against the same Statute, he "the said *A.B.*, having been on the Day of "185 , at , duly convicted thereof by *E. D. Esquire*, "a Justice of the said County."

When accused Party voluntarily meets a Charge against him the Justice may adjudicate.

XLVIII. When a Person charged with, or complained against, for having committed an Offence shall, without Process having been issued against or served upon him, voluntarily appear before any Justice to make Answer to such Charge or Complaint, the Justice or Justices may proceed to hear the Complaint and Charge against such Person, *Execution of Warrant.*

Person, and proceed and adjudicate thereon, in the same Manner and Effect as if a Warrant or Summons founded upon the Complaint or Charge had been previously issued against the Party.

Cumulative Penalties not to be enforced.

Complainant to elect.

XLIX. In every Case, when Proceedings are commenced, or instituted, against any Person who is liable to be proceeded against for more than One Penalty, under the same, or any other Statute, arising out of the same or One Act done at the same Time and Place, he shall only be liable to One Penalty, and not to several or cumulative Penalties, and the Prosecutor or Person complaining shall elect which of such Penalties he will proceed for.

Process not to be served on Sunday, except Warrants on Criminal Charges.
29 C. 2. c. 7.

L. No Person on the Lord's Day commonly called Sunday shall serve or execute, or cause to be served or executed, upon another, or the Goods or Chattels of another, any Process whatever out of or under the Authority of any Court of Record, and not being a Warrant to arrest the Person of another for a Criminal Offence.

Warrants of Commitment for consecutive Periods.
11 & 12 Vict. c. 43. s. 25. (*altered.*)

LI. When any Person is convicted in succession at the same Time and Place before any Justice or Justices of having committed more than One Offence, the Justice or Justices may convict and commit or make an Order of Commitment of such Person for consecutive Periods of Imprisonment, One Period to commence at the Expiration of the former One, but every Order of Commitment (if the Payment of Money or the Imprisonment is to commence forthwith, and not in default of Distress or deferred,) shall issue and bear Date the same Day.

Minute of Order for Payment of Money to be served previous to Commitment or Distress.
11 & 12 Vict. c. 43. s. 17.

LII. In Cases of Summary Jurisdiction, whenever an Order shall be made upon any Person to pay a Sum of Money not being a Fine or a Penalty, or being a Fine or Penalty when the same shall be ordered to be paid by Instalments, a Minute of such Order, signed by the Justice or One of the Justices making such Order, or by the Clerk to the Justices, and in the Form of Order (N.), shall be served upon each Defendant personally, or by leaving the same at his Place of Residence, or his usual Place of Work, or Business, or Resort, or last known or ascertained Place of Abode, previous to any Warrant of Commitment, or of Distress, being issued to enforce Obedience to such Order.

Compensation.

Compensation may be awarded not exceeding 10*l.* above any Penalty.
7 & 8 G. 4. c. 30. s. 24.

LIII. When any Person shall, contrary to the Tenor of any Clause, Matter, or Thing set forth or contained in any of the foregoing Sections or Clauses of this Act (and not before specially provided for), do or cause to be done or be the Means whereby there shall be done any Hurt, Damage, Loss, or Injury to the Person or Property of another, or of repairing, replacing, or restoring the Damage or Injury done, or occasioned to any Property, the Justice or Justices may order the Offender to pay any Sum of Money not exceeding the Sum of *Ten Pounds* as Compensation to be paid by such Offender to the Person hurt or injured, or to the Person whose Property was damaged or injured, over and above any Penalty incurred for such Offence, or in lieu of and without inflicting any Penalty.

Compensation may be in lieu of Penalty.

Justices, instead of convicting, may order Satisfaction to be made to the complaining Party.

7 & 8 G. 4. c. 29. s. 68.
14 & 15 Vict. c. 92. s. 21.

LIV. Any Justice or Justices, in place of convicting any Offender upon a First Offence against any of the Provisions of this Act, may, if he or they shall think fit, order such Offender to make such Satisfaction to the Party complaining or aggrieved, for Damages and Costs or either of them, as shall be ascertained by the Justice or Justices.

Penalty may be imposed on each Offender.

LV. Where several Persons are charged or complained against for having committed the same Offence, the Justice or Justices may impose a Penalty, or mitigated Penalty, or make an Order upon each Person, whether as Principal, or as an Accessory in committing, or attempting to commit, an Offence over which such Justice, or Justices, has, or have Power to exercise Summary Jurisdiction, but, nevertheless, no Informer, or Person prosecuting such Persons, shall be entitled to be awarded, or, to receive more than One such Penalty, or a Portion thereof; and in case of any Sum of Money being ordered to be paid by way of Compensation or Damage, or for Costs, the Justice or Justices, may order such Sum and Sums of Money, to be paid by and levied upon all such Persons, or any One or more of them, until the full Amount is paid and satisfied; and the Imprisonment of any One of such Offenders shall not discharge or exonerate the other or others of them from any such Payment so ordered; but if any One of such several Offenders shall be in Gaol for Nonpayment of any such Sum or Sums, and if the full Amount ordered to be paid, with all Costs, shall be raised, paid, and be fully satisfied, any Justice, on Proof thereof being satisfactorily made and given to him, may by Writing order such Person in Gaol to be liberated.

Orders for Compensation and Costs may be made on all or each Offenders or Offender.

On full Payment, any One of several Offenders, if in Gaol, may be liberated.

Names of more than One Person may be inserted in Proceedings.

LVI. Where more than One Person shall be charged or accused with committing an Offence, every such Person's Name may be inserted in all Proceedings to be had, taken, and enforced against such Persons touching or concerning the same Offence.

Damage may be laid in same Proceeding charging the Offence.

LVII. Where any Person shall be charged or accused with an Offence in the Commission of which any Damage or Injury is caused to or sustained by any Property or Person, and over which any Justice or Justices can exercise Summary Jurisdiction, such Statement of Damage or Injury may be stated, laid, and enforced in and by the same Proceeding as shall be commenced taken, or enforced in respect of such Offence.

Summonses.

PROCEDURE.

Summons to a Party to appear at Petty Sessions may be issued by Clerk to Justices.

LVIII. In order to simplify the issuing of Process requiring a Party to appear before any Justice or Justices in Petty Session assembled, the Clerk to the Justices may in every Case, on the Application of any Person preferring a Complaint against another, take such Information either in Writing or not, and thereupon issue a Summons according to the Form (M.) in the Schedule to this Act, addressed to the Party complained against, requiring such Party personally to attend at the next or some other Day of holding the Petty Sessions, to answer to the Complaint preferred against him, and to be then heard by the Justice or Justices present thereat; and every such Summons so issued by the Clerk shall be served, obeyed, and enforced by and against the Party to whom it shall be addressed, and by any Constable to whom it shall be directed or be delivered, to be served and executed in the like Manner and Effect, and all subsequent Proceedings be had and taken thereon in such and the same Manner, as a Summons issued under the Hand or under the Hand and Seal of any Justice or Justices.

Clerk to place List of Summonses so issued before Justices in Petty Sessions.

LIX. The Clerk to the Justices shall at every Petty Sessions, place before the Justices present thereat, a List of all Summonses issued by him, since the holding of the then preceding Petty Sessions, with Names of every Complainant and Person charged, and Minute of Statement of Offence.

Penalty on Witnesses summoned to give Evidence refusing to attend.

LX. Any Person who shall be summoned to appear before a Justice of the Peace, to give Evidence in any Criminal Proceeding, or in any Proceeding over which the Justice has Jurisdiction, and shall neglect or refuse to appear at the Time and Place appointed in such Summons, and upon Proof of the due Service of such Summons, and that the reasonable Expenses (except in Cases of Felony) of Attendance were paid, or tendered to, or left for such Person, he shall be liable to a Penalty not exceeding *Ten Pounds*, and also may be ordered to pay such Sum for Costs, which may be incurred from any Delay, or Adjournment of the Hearing of any Case owing to the Non-attendance of such Witness.

Witness refusing to be examined.

LXI. Any Witness who shall attend before any Justice in pursuance of such Summons, or shall voluntarily offer himself as a Witness, but shall refuse to be sworn, or to make an Affirmation, or, having taken such Oath or Affirmation, shall refuse to give Evidence or to answer such Questions concerning the Premises as shall be then put to him, without offering any just Excuse for such Refusal, shall be liable to pay a Penalty not exceeding the Sum of *Ten Pounds.*

Special Sessions.

Uniform Mode of convening Special Sessions.

LXII. In order to provide for a more simple and uniform Mode of convening Special Sessions of Justices, in every Case where such Special Sessions are by Statute required to be convened and held by Justices, or by other Persons, or Means, the Clerk to the Justices shall deliver or cause to be delivered, or shall send by and through the Post Office, a printed or written Notice bearing the Name, or signed by the Clerk to the Justices, with his Address, *Fourteen* clear Days before the Day of holding such Special Sessions, and every such Notice shall be directed to and be delivered or sent to the proper Parties to whom any such Notice is by Law required to be given; and when any such Notice is required to be affixed upon the Door of any Church or Chapel or other Place, as by Law required, the Clerk to the Justices shall direct a printed or written Order bearing the Name of or signed by such Clerk, and in like Manner deliver or send the same to some Parish Officer or Constable, directing him to affix such Notice in the Manner required by Law; and any Parish Officer or Constable refusing or neglecting to observe the Terms of such Order, or to affix any such Notice, shall be liable to a Penalty not exceeding *Ten Pounds:* The Clerk to the Justices shall only be required to prove the due Delivery or sending or posting such Notice; and any Provision contained in any Act of Parliament now in force inconsistent with the convening of Special Sessions, as above provided for, is hereby repealed.

Justice's Clerk to send Notice to Parish Officer.

To affix Notice. Penalty on Refusal or Neglect.

Repeal of Provisions in Statutes inconsistent with the above Clause.

Clerk to Justices may transmit Documents to Public Offices through the Post Office.

LXIII. The Clerk to the Justices, or Person appointed by him, shall be entitled to demand and receive from any Postmaster or acting Postmaster at any Post Office a Receipt in Writing of any Documents to be transmitted through the Post Office, and directed to any Poor Law Board, Board of Health, Inland Revenue Office, or any Government Office, or to any Person thereat, or to the Clerk of Assize, or Clerk of the Peace, Clerk of Petty Session, or Clerk to Board of Guardians, or to any Police Office, Police Station, Chief Constable, Superintendent of Police, or any Constable; which Receipt shall be Evidence that the Documents therein mentioned were duly received by such Postmaster, and were duly transmitted or sent to the Party or Office therein named; and every Postmaster or acting Postmaster refusing to give or sign such Receipt shall be liable to a Penalty not exceeding *Five Pounds* for every Offence.

Postmaster refusing to give Receipt. Penalty 5*l.*

Secretary of State may settle Table of Fees to be taken by

LXIV. In order to provide for an uniform Scale of Fees to be taken, One of Her Majesty's Principal Secretaries of State, shall frame a Table of Fees, to be taken by Clerks of the Peace, and by Clerks to

Special Sessions.

Clerk of Peace and Clerks to Justices.

Justices, and may from Time to Time make such Alterations therein as to him shall appear fit or reasonable, and he shall cause Copies of such Table of Fees and of any Alterations therein, when made by him, to be transmitted to the Clerks of the Peace, to be by them distributed to the several Clerks to the Justices within their several Divisions; and if any such Clerk as aforesaid shall take or demand any greater or other Fee, or Gratuity, for any Act or Business done or transacted by him as such Clerk, other than such as is set down or specified in such Table, he shall forfeit for every such Demand or Receipt the Sum of *Twenty Pounds*, to be recovered by Action of Debt in some Court of Record by any Person who shall sue for the same.

General Provisions.

Offenders under Sixteen Years of Age may be privately whipped. 7 & 8 G. 4. c. 29. ss. 39, 40, 43. 7 & 8 G. 4. c. 30. ss. 20. 21, 22, 23.

Order for Costs may be made on Offender or the Parent.

LXV. When any Male Person shall have committed an Offence which is punishable in a Summary Manner, by any Justice or Justices, and is under the Age or apparent Age of *Sixteen* Years, such Justice or Justices may by Order in Writing direct such Male Person to be whipped privately by some Constable, or some Person specially appointed by him, or them, for that Purpose, in addition to or in lieu of any Fine or Penalty, and may order that all Costs of or attending any Conviction or Order, or carrying the same into effect, shall be paid by the Offender, or by his Parent or Guardian, or Person having or apparently having the Control of such Offender, and such Costs shall be recovered or enforced as any Penalty or Order for Payment of a Sum of Money is by this Act directed to be enforced.

As to Proof of Parties passing as Man and Wife.

LXVI. In every Case when it shall be necessary to take any Proceeding against a Man being, or having been the Husband, or supposed Husband of any Female, for or by reason of his being or having been the Husband or supposed Husband, or against a Female being or having been the Wife, or supposed Wife of any Man, for or by reason of her being or having been such Wife, or supposed Wife, it shall only be requisite for any Person or Party, making or preferring any Complaint, or Charge against either the Man, or the Female, to adduce Proof of any Man, and Female, having cohabited, and lived together, for any Period as Man and Wife.

Costs of Proceedings, when to be paid out of Poor Rate.

LXVII. When any Proceeding shall be instituted, carried on, or be prosecuted under this Act against any Person, by or on behalf of any Parish, or by any Constable or Police or Peace Officer, all Costs, Fees, Charges, and Expenses attending or incurred in any such Proceeding against such Person, and which shall not be recovered from him, shall be borne, charged upon, and paid by the Overseers out of the Poor Rate of the Parish or Place where the Offence was committed, or to which any such Person, or his Wife or Family, was or were

chargeable,

General Provisions.

chargeable, except when such Charges are specially provided for by any other Act to be charged upon the Common Fund of a Poor Law Union or in any other Manner.

Except when otherwise provided for.

LXVIII. When any Person shall be committed to Gaol under the Provisions of this Act, the Justice ordering the Commitment may also order any Money, Goods, or Chattels found upon or in the Possession of any such Offender to be paid, disposed of, and applied towards defraying the Costs of Apprehension, Conviction, Maintenance, and conveying to Gaol, or either of them, as the committing Justice shall order.

Property in Possession of a Person committed to Gaol may be applied to defray the Costs.

LXIX. In all Proceedings in any Court of Judicature, or upon Summary Proceeding by and before any Justice, except when the particular Fact and Circumstance shall be in dispute between Parties, no Proof or Evidence shall be required to be given, adduced, or proved of or relating to any of the following Matters or Things, as by Law now required:

As to Proof of Proceedings.

As to the due convening or holding of any Vestry, or any Parochial Meeting or Assembly of Persons, or of any Proceeding thereat, save and except the original Minute or Entry of such Meeting or Assembly, or a true Extract thereof or therefrom, signed or purporting to be signed or to be certified by the Chairman presiding thereat:

Parish Meetings.

As to the Formation or Legality of any Poor Law Union, or of any Board of Directors, Guardians, Trustees, or Commissioners, or of Persons formed or appointed under or in pursuance of the Powers given by any Public or Private Act of Parliament:

Poor Law Unions, Commissioners, &c.

As to the appointing or convening any Special or Petty Session of Justices, or of Notice of any Business to be transacted at any such Special or Petty Sessions:

Special Sessions.

As to the Allowance or Publication of any Parochial Rate or Assessment, or Assessment authorized to be made, raised, or levied under any Act of Parliament, or any Parochial Accounts:

Parish Rates.

As to the Nomination or Appointment of any Person holding any Public Office or Situation, or Office or Situation of a public Nature, or in any Parish, or under any Poor Law Union, or as to the Appointment or Constitution of any Corporation, sole or aggregate, or Body of Persons or Trustees or Commissioners, or of any Person appointed by or under or acting or purporting to act under or in pursuance of the Provisions and Powers contained in or given by any Public or Private Act of Parliament, or in or by any Charter or Letter of Incorporation:

Holding Public Offices.

General Provisions.

Notice of Public Meeting.

As to holding any Meeting, or Notice of holding or convening any Meeting, which by Law is required to be held, or to any Person to attend such Meeting or Place of Meeting, and who by Law is bound or compellable so to do, either upon or without Notice having been given or sent to him.

Forms of Procedure.

Forms in the Schedule to be deemed valid and, the proper Forms in all Proceedings. 14 & 15 Vict. c. 93. s. 36.

Informality not to vitiate Proceedings.

Form of Order Book may be extended.

Warrants &c. need not be sealed.

LXX. In all Proceedings under this Act, the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Information or Complaint shall be made; but no Departure from any of the first-mentioned Forms, or Omission of any of the Particulars required thereby, or use of any other Words than those indicated in such Forms, shall vitiate or make void the Proceeding or Matter to which the same shall relate, if the Form used be otherwise sufficient in Substance and Effect, and the Words used clearly express the Intention of the Person who shall use the same: It shall be sufficient in any of the Forms provided by this Act to state Sums of Money either in Words or Figures, according as the Person using the same shall see fit: Provided always, that it shall be lawful for One of Her Majesty's Secretaries of State from Time to Time to extend the said Form of Order Book (L.) so far as to adapt it to any like Proceedings, either new or not, provided for therein: Provided also, that the sealing of any Warrant or other Form of Procedure under this Act shall not be necessary for the Validity thereof.

Description of the Property of Partners, &c.

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials &c. for Roads;

LXXI. It shall be sufficient, in any Information or Complaint, or the Proceedings thereon, to describe the Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, as the Property of any One of such Persons who shall be named, and of another or others, without naming them, as the Case may be; and any Work or Building made, maintained, or repaired at the Expense of any County or Place, or any Materials for the making, altering, or repairing of the same, as the Property of the Inhabitants of such County or Place respectively; and any Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor, as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and any Materials and Tools provided for the Repair of Highways, or any Property vested in or belonging to any Surveyor, or over which the Surveyor has Control, as the Property of the Surveyor, without naming him; and any Materials or Tools provided for making or repairing any Turnpike Road, and any Land or Building, or other Thing whatever, erected or provided of for the Purpose of any such Turnpike Road, as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and any Property of any Persons described in any Act of Parliament, or in any Charter or Letters of Incorporation, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever, as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them; and whenever it may be necessary to mention any of such Persons or Parties in any Suit, Information, or Complaint, it shall be sufficient to describe them in manner aforesaid.

of the Property in Materials &c., for Turnpike Roads, &c. of the Property of Commissioners, &c.

LXXII. In Cases of Summary Proceedings no Variance between the Information or Complaint and the Evidence adduced in support thereof, as to the Time at which the Offence or Cause of Complaint shall be alleged to have been committed or to have arisen, shall be deemed material, if it be proved that such Information or Complaint was in fact laid or made within the Time limited by Law for laying or making the same; and any Variance between such Information or Complaint and the Evidence adduced in support thereof, as to the Place in which the same shall be alleged to have been committed or to have arisen, shall not be deemed material, provided that the said Offence or Cause be proved to have been committed or to have arisen within the Jurisdiction of the Justice or Justices by whom such Information or Complaint shall be heard and determined; and no Objection shall be taken or allowed in any Proceedings to any Information, Complaint, Summons, Warrant, or other Form of Procedure under this Act or any other Act, for any alleged Defect therein in Substance or in Form, or for any Variance between any Information, Complaint, or Summons and the Evidence adduced on the Part of the Complainant or Prosecutor at the Hearing of the Case in Summary Proceedings, or at the Examination of the Witnesses by a Justice or Justices in Proceedings for indictable Offences: Provided always, that if any such Variance or Defect shall appear to the Justice or Justices at the Hearing to be such that the Defendant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime, in Cases of Proceedings for Offences, to commit the said Defendant to Gaol, or to discharge him, upon his entering into a Recognizance conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned.

No Objection to be allowed for any Variance between Information and Evidence as to Time or Place of committing Offence, if Information be in Time, &c.; nor for Defect of Substance or Form in Warrant, or for any Variance between it and Evidence; but if Party charged is deceived by such Variation, &c., he may be committed, or discharged upon Recognizance, till adjourned Hearing.

LXXIII. No Receipt given or required to be given under the Provisions of this Act shall be subject to any Stamp Duty payable to the Crown.

No Stamps on Receipts.

Forms of Procedure.

Act shall not extend to Revenue &c. Cases.

LXXIV. Nothing in this Act shall extend or be construed to extend to any Information or Complaint or other Proceeding under or by virtue of any of the Acts relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, or relating to the Preservation of Game, except that all Proceedings as to the same may be in the Forms of Proceedure required by this Act, or as near thereto as the Circumstances of the Case will admit.

Forms in the Schedule to be deemed valid, and the proper Forms in all Proceedings. 14 & 15 Vict. c. 93. s. 36. Informality not to vitiate Proceedings.

LXXV. In all Proceedings under this Act, the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Information or Complaint shall be laid or made; but no Departure from any of the said Forms, or Omission in any of the Particulars thereby required, or Use of any other Words than those indicated in such Forms, shall vitiate or make void the Proceeding or Matter to which the same shall relate, if the Form used be otherwise sufficient in Substance and Effect, and the Words used clearly express the Intention of the Person who shall use the same; and it shall be sufficient in any of the Forms provided by this Act to state Sums of Money and Dates either in Words or Figures, according as the Person using the same shall see fit; and any One of Her Majesty's Secretaries of State from Time to Time may extend the Form of Order Book (L.), so far as to adapt it to any like Proceedings either new or not provided for therein; and the sealing of any Summons, Warrant, Order, or other Form of Proceedure shall not be necessary, in addition to the Signature of the Justice by whom the same shall be signed.

Sums of Money and Dates may be stated in Figures.

Proceeding need not be sealed.

General Terms to be used in Forms of Procedure. 14 & 15 Vict. c. 93. s. 37.

LXXVI. With a view to simplify Forms, the Prosecutor, or Party at whose Instance the Proceeding shall take place, may be termed, in Formsand Proceedings, the "Complainant," whether he shall be an Informant or Prosecutor or otherwise; and the Matter of the Proceeding may be termed the "Complaint," whether founded on an Information or otherwise; and in Summary Proceedings the Decision of the Justices may be termed their "Order," whether the same shall be a Conviction or Order or otherwise.

No Order or Appeal to be quashed for Want of Form, nor be removed by Certiorari.

LXXVII. No Order made under the Provisions of this Act, nor any Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

LXXVIII. In

Interpretation Clause:

LXXVIII. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context:

Justice:

The Word "Justice" shall mean any Justice of the Peace acting for the Jurisdiction or Place in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of the Justice, arises or is heard or determined, and shall include the "Chief Magistrate" for the Time being or the "Borough Justices" of any Corporate Town:

Two Justices:

The Expression "Two Justices" shall include and mean One Stipendiary or Police Magistrate acting in any Police Court for the Place in which any Part of the Matter, as the Case may be, requiring the Cognizance of Two Justices, and the Chief Magistrate or One Alderman of the City of London:

Clerk of Assize. Clerk of Peace:

The Expressions "Clerk of Assizes" and "Clerk of the Peace" shall mean the usual Party acting as such:

Clerk to the Justices:

The Expression "Clerk to the Justices" shall mean the Person appointed by the Majority of Justices of and for any Petty Session Division and the Party usually acting as such Clerk:

Petty Session Division:

The Expression "Petty Session Division" shall mean and include any Division of a County or Part of a County in and for which Petty Sessions are appointed to be held, as well as the Petty Sessions in any City or Borough:

Petty Session:

The Words "Petty Session" shall mean the Meeting of any One or more Justice or Justices at the Place usually appointed for holding or where is usually held a Meeting of Justices in any Petty Session Division:

"Guardians" shall mean Guardians, Governors, Directors, Managers, or Acting Guardians entitled to act in ordering Relief to the Poor from Poor Rates:

Treasurer:

"Treasurer" shall mean every Officer who has the Custody of any Monies raised by a Borough Rate, and who has the Custody of any County Rate, or of any Rate of any City, Town, Parish, Place, or District:

Oath:

"Oath" shall mean an Oath and every Affirmation or other Declaration substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

Road:

"Road" shall mean any Turnpike Road, or any Highway, Street, Lane, Passage, or Court, Square or open Market Place, and whether the same be maintained and kept in repair by any Trustees or Commissioners or Board, under any General or Local Act, or by any District or Parish, or any Place, Part of or other than a Parish, or by any Body Corporate or private Person:

Surveyor: "Surveyor" shall mean every Person appointed to have the Care or Management of any Road:

Contractor: "Contractor" shall mean every Person contracting to undertake the Repair of any Portion of any Road, or to cleanse or keep the same in Repair and Order:

Railway: "Railway" shall mean every Railway or Tramroad, whether made under any Act of Parliament or by any Individual, and whether for public or private Use, and also every Station, Works, and Premises of or belonging to any Railway or Tramroad, or Railway Company or any Individual:,

Animal: "Animal" shall mean any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine, and also any other Animal, whether of a domestic Nature or of a wild Nature, and kept in a Place of Confinement or Restraint for any Purpose, and also any Bird of any Description, whether domesticated or of a wild Nature, but which shall be kept in a Place of Confinement for any Purpose:

County or Place: The Word "County" or "Place" shall mean, severally, any County, Division of a County having a separate County Rate, Riding, Liberty, Division of a Liberty, Hundred, County of a City, County of a Town, Cinque Town, and Town Corporate, and Petty Session Division:

Corporate Borough: The Expression "Corporate Borough" shall mean any Corporate Borough mentioned in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King William the Fourth, intituled "An Act for the Regulation of Municipal Corporations "in England and Wales," and any Borough incorporated by Charter:

Parish: The Word "Parish" shall mean any Parish, Township, Hamlet, Tithing, Vill, Precinct, extra-parochial Place, or any Place maintaining its own Poor, or any Place where no Poor Rate is made or has been ordinarily made:

Parish Officer: The Expression "Parish Officer" shall mean every Person holding or filling any public Office within a Parish for the Performance of any Duty of, in, or for any Parish, and appertaining to such Office, or usually performed in connexion therewith:

Constable: The Word "Constable," shall mean every Person duly chosen or appointed to fill the Office of a Constable or Peace Officer or Police Officer, and having Authority to act in the due Execution of his Office:

Union: The Word "Union" or Words "Poor Law Union" shall mean an Union of Parishes formed under the Act of the Fifth Year of the Reign of King William the Fourth, intituled "An Act for the "Amendment and better Administration of the Laws relating to "the Relief of the Poor in England and Wales," or under the

Act of the Twenty-second Year of the Reign of King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or incorporated or united for the Relief or Maintenance of the Poor under any Local Act:

"Summary Proceeding" shall mean any Proceeding as to a Summary Conviction or Order by a Justice or Justices out of Quarter Session.

Summary Proceeding.

LXXIX. This Act shall extend and be construed to extend to England only, save and except where in this Act specially named and extended elsewhere.

Act to extend to England only, except where specially named.

LXXX. In citing this Act in other Acts of Parliament, or in any legal or other Instrument or Proceeding, it shall be sufficient to use the Expression and Figures "The Summary Jurisdiction Act, 1856."

Short Title of Act.

LXXXI. The Schedule to this Act annexed shall be deemed Part of this Act.

Schedule to be Part of Act.

LXXXII. This Act shall commence and take effect on the *First Day of October in the Year of our Lord One thousand eight hundred and fifty-six.*

Commencement of Act.

⁂ The Words in the Margin in *Italics*, or Words to the like Effect, are to be used according to the Circumstances of each Case.

SCHEDULE.

Form (A.)—Proofs.

Information.

(1) *Oath* or *Affirmation.*
(2) State Cause of Complaint, with Time and Place.
Adding:—
For the Arrest of a Witness, *And he further saith that X.Y. can give material Evidence, but is not likely to attend voluntarily*; or, (*and is keeping out of the way of personal Service of Summons*); or, for Sureties for the Peace, *And he makes this Information for Surety by the C.D., and not from Malice or Revenge against him.*

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of ———

The Information of *A.B.* of *M.N.* who saith on his (1) that (2)

Taken before me this Day of in the Year Eighteen hundred and fifty at in the said County.
Signed Justice of said County.

Form (B.)—Solemn Declaration.

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of ———

(1) Matter of Declaration.

I *A.B.* do solemnly and sincerely declare, That (1)

and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

Signed ______________

Made and subscribed before me, this Day of in the Year Eighteen hundred and
Signed ______________ Justice of said County.

Form (C.)—Process to enforce Appearance.

Summons.

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of ———

(1) Cause of Complaint, with Time and Place.
(2) Insert, *Defendant* or *Witness.*

Whereas a Complaint has been made to me that (1)

This is to command you to appear as a (2) on the Hearing of said Complaint, at on the Day of at o'Clock, before such Justices as shall be there.

Dated this Day of 185 .
Signed ______________ Justice of said County.

To ______________ of ______________

(D.)—WARRANT TO ARREST.

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of ———

Whereas a Complaint has been made on Oath and in Writing to me that (1)

and (2)

This is to command you to whom this Warrant is addressed to arrest the said

(3) ____________________
of ____________________

and to bring him before me or some other Justice of the County, to answer to the said Complaint.

Dated this Day of 185 .

Signed ____________ Justice of said County.

To (4) Constable of in the Parish of in the said County, and to all Officers of the Constabulary of the said County.

(1) CAUSE of COMPLAINT, with Time and Place.

(2) If the Case be so, add—
For Defendant,
Whereas the said C.D. has neglected to appear in obedience to a Summons.
For Witness,
Whereas Oath has been made that X.Y. can give material Evidence, but will not attend voluntarily; or, *is purposely keeping out of the way of personal Service of a Summons.*

(3) PERSON against whom Warrant is issued.

(4) ADDRESS or Name of Person who is to execute the Warrant.

FORM (E.)—WARRANTS.

Warrant of Execution (Summary Jurisdiction).

A.B., Complainant. } Petty Sessions Division of ———
C.D., Defendant. } County of ———

Whereas upon the Hearing of a Complaint that (1)

an Order was made on the Day of by *E.F.* and *G.H.*, Esquires, the Justices present, against the said

(2) ____________________
of ____________________

to the following Effect, viz. :—(3)

And whereas (4)

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

(2) PERSON against whom Order was made.

(3) ORDER.
Imprisonment in addition or default.
Fine or Damages. *To pay for Fine* (*or Damages*) *the Sum of and for Costs the Sum of* (*forthwith*), or (*in Days*).
And also in addition, or *And in default of Payment* (or *Distress*).
Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*
Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*
Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

(4) RECITALS.
After Appeal. *The Court of Appeal decided on the Day of that* (Order).
No Distress. *He has* (or *admits that he has*, or *it has been returned to a Warrant of Distress that he has*) *no Goods.*
Distress ruinous. *A Distress would be ruinous to him* (or *injurious to his Family*).

And whereas the said Order has not been complied with. This is to command you to whom this Warrant is addressed to execute the said Order against the said Person as follows :—(5)

(5) Execution.

Committal in addition or default.
- To distrain. *To levy said Sums by Distress and Sale of his Goods.*
  - *And in addition*, or
  - *And in default of Distress.*
- To commit. *To lodge him in the Gaol at F., to be imprisoned there for the Period of with* (or *without*) *Hard Labour* (*unless said Sums be sooner paid*).

To eject. *To enter and give Possession of said Premises to the Complainant or his Agent in Days.*

And for this the present Warrant shall be a sufficient Authority to all whom it may concern.

(6) Payment.
Insert " *Clerk of Petty Sessions.*"

The Sum levied to be paid to (6)

(7) Address.
The Constable of and to all Officers of the Constabulary Force of the said County, or Name of Person who is to execute the Warrant.

The Warrant to be returned in Days if not executed.

Dated this Day of 185 .

Signed ____________ Justice of said County.

To (7) ____________ of ____________

Form (F.)—Warrant to search.

______ *Complainant.* } Petty Sessions Division of______
______ *Defendant.* } County of______

(1) Description of Articles stolen.

Whereas it appears on the Oath of *A.B.* of *M.N.*, that the following Articles of Property, viz. (1)

(2) "*stolen* or *unlawfully obtained*" (as the Case may be.)

were (2), and that there is Reason to suspect that the same is concealed in at .

This is, therefore, to authorize and require you to enter in the Daytime into the said Premises, and to search for said Property, and to bring the same, and the Persons in whose Possession the same may be found, before me or some other Justice.

(3) Address.
" *The Constable of and to all Officers of the Constabulary Force of the said County*," or Name of Person who is to execute the Warrant.

Dated this Day of 185 .

Signed ____________ Justice of said County.

To (3) ____________ of ____________

Form (G.)—Indorsements on Warrants.

Return of no Person or Goods.
(1) *The Person,*
or
Sufficient Goods of the Person.

(1) (G a.) I certify that after diligent Search (and for the following Reasons):

against whom the within Warrant was issued, cannot be found.

Dated this Day of 185 .

Signed ____________ { To whom this Warrant was delivered for Execution.

(G b.) (²) that I have Reason to believe that the Person against whom the within Warrant was issued (³)

CERTIFICATE of no Person or Goods.
(²) For Constables—*Certify.*
For Bailiff—*Make Oath.*
(³) *Is to be found,*
or
Has Goods.

at in the County of and that I believe the Signature to the within Warrant to be in the Handwriting of the said Justice.

Dated this Day of 185 .

Signed ____________ { To whom this Warrant was delivered for Execution.

To ____________ of ____________

FORM (H.)—APPEAL.

———*Complainant.* } Petty Sessions Division of———
———*Defendant.* } County of———

I certify, that upon the Hearing of a Complaint that (¹)

(¹) CAUSE of COMPLAINT, with Time and Place.

an Order was made on the Day of by the Justices present against the said
(²)____
of____
to the following Effect, viz.:—(³)

(²) PERSON against whom Order was made.

(³) ORDER.

Imprisonment in addition or default. {
Fine or Damages. *To pay the Sum of to the Crown, and the Sum of to the Complainant, with Costs (forthwith),* or *(in Days).*
And in addition, or
And in default of Payment (or *Distress).*
Imprisonment. *To be imprisoned for the Period of with* (or *without) Hard Labour.* }

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits (or without Prejudice), and that he do pay the Sum of to the Complainant for Costs.*

Dated this Day of 185 .

Signed____________________
Justice of the said County.

Countersigned
———— Clerk to the above Petty Sessions District.

The Person against whom said Order was made hereby appeals against the same to the next Court of Assizes or Quarter Sessions (*or* Recorder's Sessions) to be held at

Dated this Day of 185 .

Signed ______________ Appellant.

I certify, that Notice of said Appeal was duly given.

CERTIFICATE by Clerk of Petty Sessions.

And that the said Appellant has duly entered into a Recognizance to prosecute said Appeal.

Dated this Day of 185 .

Signed________________
Clerk of above Petty Sessions.

Certificate by Clerk of Assize or of Peace or Officer of Recorder's Court of Order made on Appeal.

I certify, that upon the Hearing of said Appeal on the Day of the Court of Quarter Sessions (*or* Recorder) ordered that (*state Order*).

Dated this Day of 185 .

Signed ______________

Clerk of the Peace (*or* Officer of the Recorder's Court).

Form (I.)—Certificate of Order.

——— *Complainant.* } Petty Sessions Division of———
——— *Defendant.* } County of ———

(1) **Cause of Complaint**, with Time and Place. In Ejectments, *the Defendant had refused to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

I certify, that upon the hearing of a Complaint that (1)

(2) **Person** against whom Order was made.

an Order was made on the Day of by the Justices present, against (2)
of
to the following Effect, viz. :—(3)

(3) **Order.**

Imprisonment in addition or default.
Fine or Damages. *To pay for Fine* (or *Damages*) *the Sum of and for Costs the Sum of* (*forthwith*), or (*in Days*).
And in addition, or
And in default of Payment (or *Distress*).
Imprisonment. *To be imprisoned for the Period of with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

Dated this Day of 185 .

Signed ______________ Justice of said County.

Countersigned

______________ Clerk to the above
Petty Session Division.

Form

FORM (J.)—RECOGNIZANCE.

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of ———

Whereas (¹)

(¹) In binding a Party, &c., state CAUSE of COMPLAINT, with Time and Place.

The undersigned principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to (²)

(²) OBLIGATION.
To attend the Petty Sessions at on the Day of at o'Clock, and there:—
To prosecute (or *answer*) *to said Complaint*,
or
To prosecute his Appeal against the Order made on the Day of upon the said Complaint, and to pay the Costs thereof, or such Costs as the Court shall award and order him to pay, and not depart the Court without Leave;
or
To keep the Peace (and be of good Behaviour) towards all Her Majesty's Subjects, and particularly towards A.B. for the Space of .

And the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following, viz.:—The said principal Party the Sum of and the said Sureties the Sum of each, in case the said principal Party fails to perform the above Obligation.

A.B. ______ Tenant of (*or* Lodger at) *Dwelling House No.* 1, *High Street, Swindon, in the County of Wilts, Tailor.* } Principal Party.

Signature *A.B.*

C.D. ______ Tenant of (*or* Lodger at) (*describe Abode and the Occupation of the Party, as above*). } Surety.

Signature *C.D.*

E.F. ______ Tenant of (*or* Lodger at) (*describe the Abode and the Occupation of the Party, as above*). } Surety

Signature *E.F.*

Taken before me this Day of 185 , at
Signed ______ Justice of said County.

I certify that the said *M.N.* has not performed the above Obligation.(³)

Signed ______ Justice (*or* Clerk of Assize *or* Clerk of Peace, &c.)
This Day of 185 .

FORFEITURE.
(³) Or, *that the said Appeal has been dismissed* (or *allowed*) *and that the Sum of £ for Costs be paid by the Appellant to the Party named in the Order* (or *otherwise.*)

---

(4) ESTREAT.

(4) I order that the Sum of be levied off the Goods of the said *M.N.*, and the Sum of off the Goods of each of the said Sureties *O.P.* and *Q.R.*

Dated this Day of 185 .
Signed____________Justice of said County.

Countersigned
____________Clerk to the above
Petty Session Division.

FORM (K.)—RECOGNIZANCE.

Certified by the Clerk of the Petty Sessions.

——— *Complainant.* } Petty Sessions Division of ———
——— *Defendant.* } County of———

The same Heading and Proceeding as in Form (J.) *down to*

And the said principal Party, together with the undersigned Sureties, did this Day, before *John Smith, Esquire,* One of the Justices of the said *County,* severally acknowledge themselves bound to forfeit to the Crown the Sums following, viz. :—The said principal Party the Sum of Pounds and the said Sureties the Sum of Pounds each, in case the said Party fails to perform the above Obligation.

*A.B.*____________ Tenant (*or* Lodger, of *Dwelling House No.* 1, *High Street, Swindon, in the County of Wilts, Tailor.* } Principal Party.
Signature *A.B.*

C.D. ____________ Tenant, &c. (*Description as above.*) } Surety.
Signature *C.D.*

E.F. ____________ Tenant, &c. (*Description as above.*) } Surety.
Signature *E.F.*

Certified by me at *Swindon* in the County of *Wilts*, this Day of 185 .
Signed____________ Clerk of the above-named Petty Sessions Division.

The Forfeiture and Estreat of Recognizance to be in the same Form as (J.)

FORM (L.)—ORDER BOOK.

County of ________ Petty Sessions of ________

Reference to Minute Book and Page.		No. of Cases.	Month of ——— 185 .	PARTIES, &c.		CAUSE OF COMPLAINT.	ORDER.											Whether Sums paid in Court, and when, or Warrant issued.
								1. SUMS AWARDED.				2. IMPRISONMENT.		3. SPECIAL ORDER.				
				Name of Case. ——— *Compt.* v. ——— *Deft.*	Witnesses examined.		Name, Description, and Residence of Person against whom Order is made.	To whom. *Crown* - *Complainant* *Costs* -	Amount to each. £ *s.* *d.*	Total to be paid.	When to be paid.	In what Event. *In addition,* or *In default of Payment* (or *of Distress*).	For what Period, and whether with or without Hard Labour.	Ejectment.—*To be ejected from the Premises of* —— *in* —— *Days.* Dismissal.—*This Complaint to be dismissed on the Merits* (or *without Prejudice*) *with Costs to Defendant.*	Act under which Order is made.	Names of Justices making the Order.	Signature of Justice.	
Book.	Page.									£ *s.* *d.*								*1855.* —
A.	*1*	*1*	*Jan. 1*	*A.B. Compt.* v. *C.D. Deft.*	*E.F.* *G.H.* *&c.*	*Assault.*	*K.L.* *of Swindon, Wilts, Labourer.*	*Crown* - *Complainant* *Clerk* - *Constable* - *Witness A* *" C*	*0 10 0* *0 2 6* *0 7 0* *0 1 0* *0 1 6* *0 1 6* *1 3 6*			*In default of Payment of Penalty and Costs.*	*One Calendar Month, to Hard Labour.*	*To be paid forthwith, or to be paid by weekly Instalments of 5s. per Week; the first Payment to be made on the 8th January.*				*Jan 3. 1l. 3s. 6d. paid into Court, or 1st Instalment of 5s.*
"	*5*	*2*	*"*	*A.B. Compt.* v. *C.D. Deft.*	*E.F.* *&c.*	*Holding over a Tenement.*	*K.L.* *of Swindon, Wilts, Labourer.*	*Complainant* *Clerk* - *Constable* -	*0 2 6* *0 7 0* *0 1 0*					*To be ejected from the Premises in Ten Days. Defendant to pay the Costs.*				*Jan. 16. Warrant issued to eject.*

FORM (M.)—SUMMONS ISSUED BY OFFICER OF THE COURT.

——— *Complainant.* } Petty Session Division of———
——— *Defendant.* } in the County of———

To *A.B.* of *C.* in the County of *D.*, *Labourer.*

Whereas a Complaint has been this Day lodged with me at my Office situate at in the County of by *E.* of *F.* in the County of *G.*, *Labourer,* that (¹)

(¹) CAUSE of COMPLAINT, with Time and Place.

(²) Insert, *Defendant* or *Witness.*

This is to summon and order you to appear as a (²) on the Hearing of the said Complaint at on the Day of now at the Hour of in the noon, before such Justices as shall be there assembled.

Dated this Day of 185 .

Signed____________________ (L.S.)
Clerk to the Justices of the said Petty Session.

WARRANT TO ARREST ON ABOVE SUMMONS.

——— *Complainant.* } Petty Session Division of———
——— *Defendant.* } in the County of———

Whereas Complaint has been made on Oath and in Writing to me that (¹)
and (²)

(¹) CAUSE of COMPLAINT, with Time and Place.

(²) If the Case be so, add—*Whereas the said A.B. has neglected to appear this Day in obedience to a Summons to him.*
In witness: *Whereas Oath has been made to me that H. can give material Evidence, but will not attend, and neglects or refuses to attend;* or, *is personally keeping out of the way of personal Service of a Summons.*

(³) PERSON against whom Warrant is issued.

This is to command you to whom this Warrant is addressed to arrest the said (³)______________________
of______________________
and to bring him before me, or some other Justice of the County, to answer to the said Complaint, and to be dealt with according to Law.

Dated this Day of 185 .

Signed______________Justice of said County.

(⁴) *The Constable or Person who is to execute the Warrant.*

To (⁴)__________Constable of the Parish of __________ in the said County, and to all other Constables of and in the said County.

FORM (N.)—ORDER.

Order for Payment of Money.

A.B. Complainant. } Petty Session Division of ———
C.D. Defendant. } County of———

Whereas upon the Hearing of a Complaint that (1)

an Order was made on the Day of by *E.F.* and *G.H.*, Esquires, the Justices present, against the above-named *C.D.* (2) of ——— to the following Effect, viz.:—(3)

And all such Sums to be paid to the Clerk of the above-named Petty Sessions at his Office at in the said Division, to be by him paid and applied according to Law.

Dated this Day of 1856.

Signed ——— Justice of the said County.

or

Signed ——— Clerk to the above-named Petty Session Division.

(1) CAUSE of COMPLAINT, with Time and Place. In Ejectments, *the Defendant had neglected* (or *refused*) *to give up to the Plaintiff Possession of situate at on the Termination of his Tenancy.*

(2) PERSON against whom Order was made.

(3) ORDER.

Imprisonment in addition or default.

Fine (or *Damage*). *To pay for Fine* (or *Damage*) *the Sum of and for Costs the Sum of,* (*forthwith*) or (*in Days.*)

(If by Instalments.) *To pay for Fine* (or *Damage*) *the Sum of and for Costs the Sum of making together the Sum of by weekly Payments of per Week (or such Time as may be ordered) the First of such Payments to be made on the Day of next.*

And also in addition, or *And in default of Payment* (or *of Payment of any Instalment,* or *in default of Distress* .

Imprisonment. *To be imprisoned with* (or *without*) *Hard Labour.*

Ejectment. *To be ejected from the said Premises in Days, and pay the Sum of to the Complainant for Costs.*

Dismissal. *That his Complaint be dismissed on the Merits* (or *without Prejudice*), *and that he do pay the Sum of to the Defendant for Costs.*

Summary Jurisdiction.

A

BILL

To consolidate and amend the Laws relating to the Summary Jurisdiction of Justices of the Peace.

(*Prepared and brought in by*
Mr. Locke King and Mr. Headlam.)

Ordered, by The House of Commons, *to be Printed,*
14 *February* 1856.

[Bill 33.]

Under 7 *oz.*

12 *June* 1856. 19 Vict.

A

BILL

TO

Continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to authorize and facilitate the "Completion of a Survey of Great Britain, Berwick-upon-Tweed, "and the Isle of Man:" And whereas an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to continue until the Thirty-first Day of "December One thousand eight hundred and fifty-one an Act of "the Fourth and Fifth Years of Her present Majesty for authorizing "and facilitating the Completion of a Survey of Great Britain, "Berwick-upon-Tweed, and the Isle of Man:" And whereas by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled "An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man," the said recited Act of the Fourth and Fifth Years of Her present Majesty, and all the Powers, Provisions, Matters, and Things therein contained, were continued until the Thirty-first Day of December One thousand eight hundred and fifty-six: And whereas it is expedient that the said recited Act of the Fourth and Fifth Years of the

Preamble.

4 & 5 Vict. c. 30.

9 & 10 Vict. c. 46.

14 & 15 Vict. c. 22.

Reign of Her present Majesty should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty, and all the Powers, Provisions, Matters, and Things therein contained, shall continue in force *until the Thirty-first Day of December One thousand eight hundred and sixty-one.*

First-recited Act further continued to 31st December 1861.

Survey of Great Britain,
&c.

A

B I L L

To continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.

(Prepared and brought in by
Mr. Monsell and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1856.

[Bill 176.]

Under 1 *oz.*

Tenant Right (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites the Tenant Right Custom according to the Usage in the Province of Ulster; Tenants having made Improvements which increase the Value of the Premises not to be evicted without being paid for the same according to the Custom of the Tenant Right, where that Custom is proved, or in other Cases a Compensation equivalent to the increased Value created; Sect. 1.

Definition of Terms, "Tenant," "Landlord," "Improvement," "Award," "Arbitrators," &c.; Limitation to Agricultural Tenements, and to Improvements which increase the Value or annual Rent of the Premises; 2.

The Tenant to be allowed for all Improvements made by himself, or those from whom he has derived; 3.

Regulations for referring disputed Cases to Arbitration; 4.

If an Award be not made, any Claim not exceeding 100*l.* to be referred to the Assistant Barrister at the Quarter Sessions; a Jury may be impannelled, if required by either Parties; 5.

If the Claim exceeds 100*l.*, to be referred in like Manner to the Judge of Assize; 6.

Rules for Awards; 7.

If the Landlord continues the Tenant in occupation at such Rent as shall be agreed upon between the Parties, or settled by Arbitration, he shall not be liable to pay Compensation; such Continuance of Tenancy to be for a Term of not less than Fourteen Years; 8.

Tenant who has made claim for Compensation not to be evicted till his Claim has been decided, and the Amount of such Decision paid; 9.

Provisions for an equitable Adjustment of Rent with regard to Premises held by Leases made during the Existence of the Corn Duties; 10.

If Tenant be refused Liberty to sell his Interests, he may offer to surrender, and claim Compensation as in other Cases; 11.

If Tenant shall not claim Compensation for Buildings, or his Claim for Compensation shall be refused, he may pull down and remove the same, leaving the Premises in the same Condition as before; 12.

Recites that Tenants have not improved in many Cases from Want of Security for Capital expended; Tenants willing and desirous to improve protected from Eviction for a certain limited Time, paying during that Time the fair Rent for the Premises; 13.

Recites that Arrears have in many Cases accumulated from Failure of Crops and other unavoidable Causes; in such Cases Tenant may claim an Adjustment and Composition of Arrears accumulated before the passing of this Act, to be decided by Arbitration in manner provided in other Cases; 14.

To extend only to Ireland; 15.

20 *February* 1856. 19 VICT.

(Ireland.)

A

BILL

TO

Provide for the better securing of and regulating the Custom of Tenant Right as practised in the Province of Ulster, and to secure Compensation to improving Tenants who may not make claim under the said Custom, and to limit the Power of Eviction in certain Cases.

Preamble.

Recites the System of letting Lands in Ireland, the Tenant making all Improvements:

WHEREAS it has long been the Practice in Ireland, that Lands are let to the Tenants occupying the same on determinable Tenures, or at Will, or from Year to Year, without written Agreement, and without any suitable Buildings or other necessary Appendages for residing on and cultivating such Lands, or any sufficient Allowance given or engaged to be given in consideration thereof, or in consideration of any Expenditure necessary or proper to be incurred for draining or otherwise permanently improving the Soil: And whereas the occupying Tenants under such Circumstances have just Cause of Complaint from their Liability to Dispossessment without any Security for the Value of their beneficial Interest created by their Capital and Labour expended on the Premises: And whereas it appears that as a Remedy for the aforesaid Causes of Complaint a Custom known by the Name of "Tenant

Recites the Custom of Tenant Right in

Ulster as a Security to the Tenant for Labour and Capital expended:

Recites that valuable Improvements and repeated Sales of Tenant Property have been made under this Custom, and Landlords Rents have been increased:

The Rights of Tenants under the Custom rendered insecure by excessive Rents and arbitrary Eviction.

" Tenant Right " has been established in the Province of Ulster, and more particularly in those Parts called the Ulster Plantation, according to which Custom a Right of continued Occupation is enjoyed by the Tenant in possession, subject to the Payment of the Rent to which he is liable, or such Change of Rent as shall be afterwards settled from Time to Time by fair Valuation, with a Right to sell his Occupation to any solvent Tenant to whom the Landlord shall not make reasonable Objection, and that such Tenant shall not be evicted by the Landlord without being permitted to sell his Interest, or else being paid by the Landlord the Value thereof, as if sold to a solvent Tenant: And whereas on the Faith of this Custom, in Districts wherein it has been established, valuable Improvements have been made, and repeated Sales of Property have taken place, and the present Occupiers are now generally in possession by the Purchase of former Tenants Interests in the Premises; and in accordance with the said Custom increased Rents have been assessed on and paid by Tenants in consequence of the increased productive Power and letting Value of Lands created by the improved Culture of the Soil under the said Custom: And whereas by the Demand and Enforcement of excessive Rents, through the Means of an unrestrained Power of Eviction, Tenants may be deprived of their just Rights under the said Custom, and of the Enjoyment of the Fruits of their Labour and Capital, without any adequate Compensation for the same; and it is expedient to give a more effectual Protection to such Tenants: And whereas in other Parts of Ireland where the aforesaid Custom does not prevail there is no Security for Capital expended by the Tenant, and divers Evils have arisen therefrom, and it is necessary that speedy Remedies be devised for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Buildings and Improvements producing increased Value made at the Cost of the Tenant declared to be the Tenant's Property.

I. For the Purposes of this Act, all Improvements of the Soil, and all Buildings, and all Works of every Description, by means of which the annual letting Value or Fee Simple Interest of the Premises shall be or shall have been increased, and which shall be or shall have been made at the Cost or by the Labour of the Tenant, or purchased or inherited by him from his Predecessor, shall be taken to be the Property of such Tenant, subject to the Rules herein-after provided; and that from and after *the passing of this Act* no Person in occupation of Lands or Premises, being Tenant thereon as in this Act herein-after defined and qualified, and having made Improvements thereon of the Nature aforesaid, and paying a Rent such as shall be agreed upon between the Parties, or settled as in this Act provided, shall be evicted therefrom unless he shall have first received from his Landlord or from the in-coming Tenant, by Sale or Agreement, the marketable Value of his Interest according to the Tenant Right Custom, where such Custom is proved to exist, or (in Districts where such Custom may not be practised, and the Tenant shall have made such Improvements, Buildings, or Works, and shall not be entitled or shall not think fit to make claim under the said Custom,) fair Compensation for the Value of all Labour and Capital expended in Improvements of the Nature herein-before stated, and which are by this Act declared to be the Property of the Tenant, and for his Interest in the Premises, and for any Loss or Injury he may sustain by Dispossessment therefrom, to such Amount as shall be determined by any Award made according to the Rules in this Act directed to be observed for ascertaining the same: Provided always, that no Landlord shall be liable or required to make any Payment on the Grounds of Tenant Right or Improvements if such Landlord shall continue the Tenant (or any solvent Person to whom such Tenant may desire to sell or assign his Interest) in the Occupation of the said Premises at such annual Rent as shall be agreed upon between the Parties, or shall be settled by any Award as aforesaid; and provided also, that no Tenant shall be entitled to make claim of Compensation for his Tenant Right unless increased Value has been created by his Labour or Capital.

No Tenant, having made Improvements as aforesaid, to be evicted without being paid for his Tenant Right, where the Custom exists, or else the Value of Improvements, &c.

Proviso: Landlord not liable to pay Tenant Right or Compensation if he continues the Tenant at the Rent agreed on or awarded under the Provisions of this Act.

Proviso: Claimant must prove increased Value created.

II. In the Construction of this Act, the Word "Tenant" shall be understood to mean a Person or Party in the actual Occupation of Land let for the Purposes of Agriculture, and all Buildings thereon or held therewith, with their Appurtenances, but which shall not have been let for Conacre, or for the Purpose of cropping or depasturing for One or Two Seasons only, or for any special or temporary Purpose, but shall have been held by such Person or Party as Tenant at Will, or from Year to Year, for the Space of   Years, or for a Term of Years absolute, or determinable on the dropping of a Life or Lives, or for a Life or Lives with or without a Term of Years, and shall not be let for building, or let by the Foot or other lineal Measurement calculated on the Extent of Frontage to any Road or Street, or let by Measurement, or under any Provisions denoting that such Letting was intended for the sole Purposes of building, and shall include the Personal Representatives of a Tenant within this Act; and the Word "Landlord" shall be understood to mean the Person or Party entitled to the immediate Possession of the Lands or Premises on the Determination of the Interest of the Tenant, and the legal Representatives of such Person or Party for the Time being, and shall include Bodies Corporate, Companies, and Partnerships, Owner; and the Word "Improvement"

Definition of Terms: "Tenant:"

"Landlord:"

"Improvement:"
"Award:"
"Arbitrators:"
"serve:"
"fair Rent:"
"solvent Tenant."

"Improvement" shall be taken to mean all Buildings erected, and all Works done, which would permanently increase the Value or annual Rent of the Premises; and the Word "Award" shall be taken to mean any Decision by Arbitrators, or any Judgment, Decree, or Verdict given under the Provisions of this Act; and the Word "Arbitrators" shall comprehend Arbitrators, Assistant Barrister, Judge of Assize or Jury, as the Case may be; and the Word "serve" shall be construed to mean either personal Service, or Services on the Attorney, Agent, Bailiff, Steward, or Receiver of the Person or Party to be served, or Service by Delivery at the Place of Abode of such Person or Party, or Service by Transmission through the Post, directed to the last known Address of the Person or Party to be served, within such Time as to admit of its Delivery within the Period prescribed (if any) for the Delivery of the Notice, and in proving any Notice by the Post it shall be sufficient to prove that the Notice was properly directed, and so put into the Office as before required; and the Words "fair Rent" shall be taken to mean the Landlord's just Proportion of the Money Value of the gross Produce (according to the Market Price of such Produce) which the Lands in the Occupation of the Tenant, according to their Quality and Circumstances, are capable of yielding under a fair System of Improvement and Culture, after Allowance has been made for all Labour and the Interest of all Capital expended by the Tenant in cultivating the Land and maintaining the Condition of the Premises, and for all Taxes, Rates, and public Assessments of any kind charged on such Premises, and payable by the Tenant, and in Cases of Buildings or permanent Improvements of the Soil having been made by the Tenant, deducting further from the Rent determined as above the fair annual Interest of all Money due to the Tenant for Capital so expended, the Principal of such Capital being secured to the Tenant under the Provisions of this Act; and the Words "solvent Tenant" shall be taken to mean a Tenant having the Capability to apply the Amount of Labour and Capital reasonably to be required for the proper Cultivation and Improvement of the Holding in his Occupation, according to the Extent of such Holding, and to pay the fair Rent to the Landlord for the same.

All Improvements shall be presumed to have been made by the Tenant unless the contrary be proved by the Landlord.

III. And in ascertaining the Value of the "Tenant Right" of any Land, or the Value to be allowed a Tenant for Improvements, it shall be presumed that all Improvements have been made by the occupying Tenant, or those from whom he has derived, save so far as it shall be proved on the Landlord's Part that such Improvements were actually made by himself, or by those from whom he has derived his Estate, or by those from whom the Tenant has not derived; and the Tenant shall be held entitled to be paid for the Value of all Improvements made by himself, or by those from whom he has derived, according to the Rules herein-after enacted.

The Tenant to be paid for all Improvements made by himself or those from whom he has derived.

IV. If any Tenant, qualified as herein required, who shall desire to claim the Benefit of this Act, shall be served with a Notice to quit, or with a Declaration in Ejectment, or a Demand of an increased Rent, or if any Tenant so qualified, holding at Will, or from Year to Year, shall serve Notice of Surrender, with a Demand for a reduced Rent, such Tenant shall, within *Ten* Days after each respectively, serve on such Landlord a Notice of Claim, which Notice shall be in Writing, and shall state the Amount demanded by such Tenant, and shall also contain a Proposal stating the Rent at which such Tenant would be willing to continue as Tenant on the Premises, also an Offer on the Part of the Tenant to refer the Matter of his Claim to Arbitration, and such Notice shall contain the Name of an Arbitrator to act in the Matter of such Arbitration; and in case the Claim of the Tenant shall not be adjusted by Agreement between the Parties, such Landlord shall, within *Ten* Days after the Delivery of such Notice, serve upon such Tenant a Notice containing the Name of an Arbitrator to act in the Matter of such Arbitration; and it shall be lawful for the said Two Arbitrators so appointed by the Landlord and the Tenant to appoint a Third Arbitrator, and the said Matter in Dispute shall be referred to the Three Arbitrators appointed as aforesaid; and the aforesaid Arbitrators, or any Two of them, shall and are hereby authorized and empowered, by such Means as they shall think proper, to settle the Amount of Compensation, and all such other Matters as shall be referred to them on the Part of the Landlord or the Tenant under the Provisions of this Act, and to make their Award thereon in Writing, under their Hands and Seals, or under the Hands and Seals of any Two of them; and such Arbitrators shall, within *Three* Days after making such Award, forward to each of the Parties a Copy thereof; and the Expenses of such Arbitration shall be paid by such Party or Parties, or in such Proportions as the said Arbitrators shall direct; and in case an Award shall be given in favour of the Tenant, it shall not be lawful for the Landlord to require a Surrender of the Premises, or to evict the Tenant therefrom, till the Amount so awarded shall be paid or offered to be paid to the Tenant, or Settlement be otherwise made according to the Provisions of this Act.

Tenant being served with Notice to quit, or Notice of Ejectment, or Notice of increased Rent, or Tenant at Will claiming a reduced Rent, shall serve on his Landlord a Notice of his Claim, and shall offer an Arbitration, and name an Arbitrator.

Shall make their Award in Writing; and forward Copies to each of the Parties.

V. And in case an Arbitrator shall not be appointed by the Landlord, or in case the Two Arbitrators, if appointed, shall not agree in their Award, or shall not agree about the Appointment of an Umpire, or if from any other Cause an Award shall not be made, and that the Tenant's Claims shall not be acceded to or adjusted by Agreement

If an Arbitration be not agreed to, or if no Award, Tenant may refer his Claim to Barrister at Quarter Sessions with respect to Claims not exceeding 100*l.*

between the Parties, within *One Month* from the Time when the Notice of Claim and Arbitration had been served on the Landlord by the Tenant, it shall then be lawful for the Tenant, if the Amount of the Claim shall not exceed *One hundred Pounds*, to refer the Decision of such Claim to the Assistant Barrister at the Quarter Sessions which shall be heard next after the Occurrence of any Event as aforesaid for the Division of the County wherein such Land or Premises shall be wholly or in greater Part situate, provided the same shall not be held sooner than *Thirty-one* Days, and if there shall not be *Thirty-one* Days between the Occurrence of such Event as aforesaid and the Day appointed for holding such Sessions, then such Reference may be heard at the Second Quarter Sessions which shall be holden for each Division of such County after such Event as aforesaid; and the Assistant Barrister, at such First or Second Quarter Sessions, or any Adjournment thereof, upon due Proof that Notice of such Reference has been served on such Landlord at least *Twenty-one* Days before the Day appointed for holding such Sessions, is hereby empowered and required to hear and finally determine the Matter of such Claim: Provided always, that it shall be lawful for either of the Parties concerned to require that the same be referred by the Assistant Barrister to a Jury, and in case he shall be so required, he shall cause a Jury of Twelve Men to be impannelled; and the said Jury shall be constituted from the first Twelve Men, not set aside by Challenge, who shall answer on their Names being called from the List of Jurors summoned to be in attendance at such Court of Quarter Sessions; and all Parties concerned shall have their lawful Challenges against any of the Jurors; and the Decree of the said Barrister, or the Award of the Jury, as the Case may be, shall be final in the Matter of such Claim; and the Costs shall be paid by such Party or Parties, or in such Proportions as the Assistant Barrister, or the Jury, in case of Reference to a Jury, shall direct; and all Awards, Judgments, Decrees, or Verdicts made or given with respect to any Claim aforesaid shall be transmitted to and kept by the Clerk of the Peace among the Records of the County wherein the Decree has been made.

Proviso: Either Party may require a Reference to a Jury.

All Awards and Judgments to be registered with the Clerk of the Peace.

In case of Claims exceeding 100*l.* Reference to be made to the Judge of Assize instead of the Assistant Barrister, subject to the same Rules for Reference

VI. And if the Amount of the Claim made by the Tenant shall exceed *One hundred Pounds*, the Reference, as herein-before provided to be made to the Assistant Barrister in Cases where Awards by Arbitrators shall not be obtained, shall, instead thereof, be made to the Judge presiding in the Record Court at the next Assizes (or some subsequent Assizes, as the Case may be,) for the County in which the Premises, or the greater Part thereof, shall be situate, subject to all the same Rules and Provisions with regard to such Reference as those herein-before made for regulating the Reference to the Assistant Barrister respecting Sums of a smaller Amount; and the said Judge shall decide on all the Matters so referred to him; provided always, that, if required by either of the Parties, he shall refer the Decision of such Claim to a Jury, which Jury shall be constituted in like Manner and Form as usually practised with regard to Trials in the said Record Court; and the Decision so made shall be final and conclusive in the Matter, and the Costs shall be paid by such Party or Parties, or in such Proportions as the Judge (or the Jury, in case of Reference to a Jury,) shall direct.

to a Jury as before provided.

VII. And the Arbitrators shall determine the Amount to be awarded on the Claim of the Tenant, according to the Evidence which shall be brought before them; and if the Claim arises in Districts where the Custom of Tenant Right shall be practised, and the Tenant shall make claim under the said Custom, they shall inquire into the Amount which a solvent Tenant would give for such Interest when brought to Sale according to the Practice of said Custom in the District; and where the Custom of such Sale may not be practised, or the Tenant shall not make claim under such Custom, they shall inquire into all Works of Improvement for which Value shall be claimed by the Tenant, whether in the Form of Buildings or Works, to increase the productive Power of the Soil, and to what Extent the said Buildings or Works had increased the Value of the Premises; and they shall allow to the Tenant the Value of all such Buildings or Works, on a reasonable Computation of the Amount expended in their Execution, and of the increased Value thereby created, as measured by the higher Rent which the Premises might be expected to yield, with the Tenant's Improvements, than if such Improvements had not been made; and in all Cases they shall first specify in their Decision what they shall deem to be the fair Rent of the Premises, according to the Definition of "fair Rent" herein-before given in this Act, making all Deductions thereby required to which the Tenant shall be entitled, as the Case may be, and stating in their Award the Prices of Produce on which their Estimate of Rent was founded; and they may, if they shall so think fit, adopt any Valuation of the Premises now made, or which shall hereafter be made, by public Authority, making such Corrections thereof as they shall deem right; and if it shall be proved to the Arbitrators that the Value of the Premises had been deteriorated by Neglect or Mismanagement, or bad Cultivation, or any Proceeding on the Part of the Tenant injurious to the Interests of the Landlord, they shall make such Reduction for the same as they think just, and they shall also deduct from the Amount of their Award (if such shall be given in favour of the Tenant) all Rent due to the Landlord; and if there be any Expenditure on the Part of the Landlord towards the Improve-

Rules for Awards.

To be made according to the Custom of Tenant Right where such Custom exists.

In other Cases an equitable Valuation to be made, and Compensation awarded according to the increased Value created.

In all Awards the Arbitrators shall certify the fair Rent of the Premises, and the Prices of Produce on which such Rent was computed; may adopt the Value as ascertained by any public Valuation, corrected as may be deemed fitting; and shall make Allowance from all Awards of

Compensation, if necessary, for Waste or Deterioration produced by Neglect or Fault of the Tenant.

Tenant must prove the Custom and the Market Value.

The Estimate of the Value of the Tenant Right to be based on the estimated fair Rent of the Premises.

Additional Allowance to be made to the Tenant in certain Cases.

If Landlord supplies necessary Buildings and executes necessary Improvements, in such Cases Claims under the Custom of Tenant Right not admissible; but Tenant may be allowed Compensation for any useful Improvements made by himself.

ment of the Premises, or Allowance made by means of any Settlement, Reduction, or Remission of Rent, in consideration of Improvements executed or to be executed by the Tenant, they shall make fair Abatement accordingly from the Amount of their Award; and in all Cases of disputed Claims under the Custom of Tenant Right it shall be requisite for the Tenant to prove that the Custom had been usually practised in the District in which the Premises might be situate, and also the Value usually given in Cases of the Sale of such Interests; and the Arbitrators shall base their Estimate of the Value of the Tenant Right on the annual Rent which they shall determine as being the fair Rent for the Premises; and if the Rent offered by the Tenant in the Notice herein-before directed to be served on the Landlord shall be equal to what the Arbitrators shall deem to be the fair Rent, after all required Reductions have been made, or if the Tenant shall offer to pay whatever Rent may be awarded as the fair Rent, and the Landlord shall refuse to continue the Tenant at such Rent, and shall require the absolute Surrender of the Premises, and such Landlord shall not prove that there was a Want of reasonable Application of Skill and Labour by the Tenant, so as to produce from that Cause an Injury to his Interests by the Continuance of the Tenant in the Occupation, then in such Case it shall be lawful for the Arbitrators and they are hereby required, in estimating the Amount of their Award, to take into consideration any consequential Loss or Injury the Tenant would sustain by Dispossessment from the Premises, and to make such Addition to the Amount of their Award in consideration thereof as they shall deem reasonable and just, and they shall in all Cases make their Decisions according to what they shall to the best of their Judgment deem to be just and equitable between the Parties: Provided always, that if it shall appear in any Case that the Landlord had, at his own Cost, erected the housing, or the substantial Part thereof, reasonably necessary for the Uses of the Farm, and had kept the same in repair, and made the permanent Improvements reasonably necessary for the good Culture of the Soil, or else allowed the Tenant the Cost of all such Buildings and Works of Improvements, in such Case any Claim of Compensation under the Custom of Tenant Right shall not be awarded, but the Tenant shall be allowed fair Compensation for all useful Improvements made at his Cost on the Premises, and for all unexhausted Applications to the Soil necessary under a System of good and clean Husbandry.

If the Landlord offers to continue the Tenant at the Rent

VIII. And in all Cases of disputed Claims to be adjudged under this Act, and in which Decisions shall have been made by any authorized Tribunal, if the Landlord shall offer to continue the Tenant in occupance at the Rent declared to be the fair Rent by any such

Decision, and if such Landlord shall not refuse to permit the Tenant to sell his Interest at the Market Value to a solvent Tenant, if such Tenant shall require to do so, such Landlord shall not be required to pay the Compensation which may be adjudged to be due to the Tenant in the event of his being evicted; but such Decision being placed among the Records of the County, as before provided by this Act, shall remain valid as a Register of the Tenant's proved Claims, and if any Cause for a new Adjudication shall at any future Time arise between the Parties, it shall stand in the Tenant's Favour, with such Additions or Deductions as the Arbitrators shall deem just; and a Tenancy constituted by means of the Acceptance of the Tenant by the Landlord under any Award as above mentioned shall be taken as a Renewal of the Tenancy for a Period of not less than *Fourteen* Years, subject to the same Conditions of Tenancy in all respects (except the Amount of Rent) as those on which the Tenant previously held; and such Tenant, being accepted by the Landlord, and paying the Rent determined by the Award, shall not be liable to be dispossessed from the Occupation during the Period aforesaid, and the registered Record of such Award shall have all the Power and Effect of a Lease of the Premises to the Tenant for the said Period; but in case the immediate Lessor of such Tenant, who shall so agree to continue him in the Tenancy under the Provisions of an Award, as aforesaid, shall only have a terminable Interest under some other superior Landlord for a shorter Term unexpired than the aforesaid Term of *Fourteen* Years, and the Interest of such immediate Lessor shall terminate before the End of the said Term, in such Case the next superior Landlord, when he becomes in the Position of immediate Landlord to such Tenant, (and each superior Landlord, if there be more than One in succession,) shall have the same Option as the First Lessor originally had of paying the Amount of the Award in lieu of a Continuance of Occupation, and such Landlord paying also any Addition thereto which may be adjudged to be due to the Tenant by any further Award to be made in respect to such Matter; and in case of the Possession being demanded by such superior Landlord the Tenant shall be entitled to demand a fresh Settlement of his Claims arising since the First Award had been made, in manner herein-before provided in other like Cases; but unless such superior Landlord shall make Demand of the Possession within *One Month* after the Interest of the previous immediate Lessor had terminated, the former Settlement of Rent and Terms shall continue binding on such Landlord during the Period of the unexpired Term of Years as aforesaid: Provided nevertheless, that with reference to any Lettings constituted as above the Rent determined by any Award may be liable to Re-adjustment, if the Parties shall so agree, (at such Intervals and in such Manner as shall be mutually settled by any written Agreement made

awarded, he shall not be required to pay Compensation.

The Award, being registered, to be valid as a Record of Tenant's Claims in any future Settlement.

All Tenancies under any Award of Tenant Right to be a Letting for not less than Fourteen Years.

Provisions in Cases of inferior and superior Landlords.

Proviso: Rent may be re-adjusted at Intervals, according to the Changes in the Prices of Produce, if so agreed by the Parties.

between them,) according to the Changes which may occur in the Prices of Produce as compared with those stated in the Award.

If Landlord proceed against Tenant to eject him, Tenant may plead in Court that his Claim has not been adjudged or settled for, and that Proceedings were pending for that Purpose, or that Award had been made and his Claim was not paid. The Court shall give Judgment in favour of the Tenant in such Cases, unless the Amount of the Award be paid forthwith to the Tenant, or lodged in Court, or sufficient Security given that the Amount of any Decree or Award shall be paid.

IX. And if any Landlord against whom such Claim of Compensation shall be made as aforesaid shall proceed by any Process of Law against the Tenant making such Claim, for the Purpose of recovering the Possession of the Premises in respect whereof such Claim shall have been made, it shall be lawful for such Tenant to prove by Evidence at the Trial of such Ejectment that such Claim has been made on his Part in conformity with the Provisions of this Act, and either that Compensation has been awarded to him, which Compensation has not been paid or tendered to be paid by said Landlord, or that Proceedings were still pending for determining the Amount of Compensation due to the Claimant, and that no unnecessary Delay had taken place on the Part of such Claimant for the Purpose of having his Claim determined; and on Proof thereof, unless the Amount of the Award (if an Award has been made) be forthwith paid to the Tenant, or lodged in Court, or the Claim of the Tenant be otherwise settled for, or sufficient Security be given to the Court before Possession be given to the Landlord, for the due Payment of any Sum which shall be awarded or decreed to be the Amount of the Tenant's Claim, such Tenant shall be entitled to a Judgment or Decree in his Favour in the Matter of such Ejectment.

Recites the letting of Lands under protective Duties, and that therefore a Re-adjustment of Rents is required.

X. And whereas for a Series of Years past Agreements have been made and Leases executed on the assumed Cases that the Prices of Produce would be sustained at certain regular high Rates by means of protecting Duties: And whereas the said Duties have been repealed by an Act of the Tenth Year of the Reign of Her present Majesty, intituled "An Act to amend the Laws relating "to the Importation of Foreign Corn:" And whereas the Prices of Produce have since fallen considerably; and, notwithstanding the temporary Advance, which for a short Time they have maintained, the Averages may be expected to be much lower than the assumed Rates under which Agreements as aforesaid were arranged, and it is therefore right that Provision should be made for an equitable Re-adjustment of the Terms of such Agreement: Be it therefore enacted, That any Tenant, as defined and qualified under this Act, holding by Lease or written Agreement made since the Year One thousand eight hundred and fifteen, but before the passing of the aforesaid recited Act, may claim from his Landlord a Re-adjustment of Rent; and in case a Settlement shall not be made such Tenant may give Notice of Surrender (which Notice shall be served not less than *Six* Months before the Time of such Surrender), and may claim Compensation for his Outlay in Improvements, or for his Tenant

Tenants under Lease made previous to the Act of the 9 & 10 Vict. c. 22. (Repeal of the Corn Laws), and since the Year 1815, may serve Notice of Surrender on the ground of Rent too high, and claim Compensation for Improve-

Tenant Right or Interest, as the Case may be; and such Tenant shall serve a Notice containing an Offer of the Rent at which such Tenant would be willing to continue to hold the Premises, and all Particulars herein-before required in other Cases of Claims made by the Tenant, and also the Name of an Arbitrator; and if the Landlord shall not accept the Tenant at his own Offer of Rent, or at the Rent decided by the Arbitrators, the Tenant shall be entitled to the Compensation which shall be awarded on his making surrender of the Premises; and it shall not be lawful for the Landlord to make use of any Process at Law to recover any Rent which should become due after the Notice of Surrender had been served, until a Settlement should be made of the Tenant's Claims; but if the Tenant should refuse to continue Tenant on the Premises at the Rent determined by the Arbitrators, or shall not pay the Rent so determined, and be ejected for such Nonpayment, such Tenant shall not be entitled to Compensation under the Provisions of this Act: Provided always, that if any Tenant holding by Lease or written Agreement as herein-before stated shall desire to avail himself of the Powers conferred by this Act for a Re-adjustment of Rent, in such Cases such Tenant must serve Notice of his Desire to surrender, and of his Claim for Compensation, on or before the *First Day of May One thousand eight hundred and*

ments by Arbitration, or Settlement of Rent by Arbitration.

If Landlord refuse the Rent offered by the Tenant, or the Rent settled by the Arbitrators, the Tenant shall be entitled to surrender, and claim the Compensation awarded.

XI. And in case any Tenant, as defined and qualified under this Act, or holding under any Award as in this Act before provided, shall desire to sell his Interest in the Premises, and shall offer a Person as Purchaser who shall not be liable to reasonable Objection on the Part of the Landlord with reference to his not being a "solvent Tenant," as herein-before defined, and such Landlord shall refuse Permission to the Tenant to make such Sale, then in such Case it shall be lawful for such Tenant (if he so thinks fit) to serve Notice of Surrender in like Manner and under like Regulations (save and except the Offer of Rent at which the Tenant would continue to hold the Premises) as herein-before directed; and such Tenant shall be entitled to receive the Value of his Tenant Right, or Compensation otherwise, as in this Act before enacted: Provided always, that no Landlord shall be required to agree to any Offer of Sale or Purchase which would cause any Subdivision of the Premises contained in the Occupancy, and let by such Landlord to a single Tenant; and provided also, that it shall be lawful for any Landlord to take Defence against any Claim made as above on the Grounds that the Person offered as Purchaser could not be considered as being a "solvent Tenant;" and in case the Landlord shall give Evidence thereof to the Satisfaction of the Arbitrators or other adjudicating Tribunal, the Claim of the Tenant shall not be allowed.

Tenant, if refused Liberty to sell to a solvent Tenant, may give Notice of Surrender, and claim Compensation or Value for Tenant Right.

Proviso: Landlord not to be required to sanction an Offer of Purchase for a separate Part of any Occupancy let to a single Tenant.

Proviso: the Landlord may plead that the Person proposed as Purchaser would not be a solvent Tenant.

XII. If

Tenant may pull down, sell, and carry away the Materials of Buildings erected by himself, if not paid for, or Allowance made by the Landlord or by the Award of the Arbitrators.

XII. If any Tenant shall have erected Buildings on the Premises in his Occupation, and shall not make claim for Compensation for the same, or for the Value of the Tenant Right of such Occupancy, or if such Tenant shall have made claim, and Compensation shall be refused by the Landlord, or by the Award of any Arbitrators, or by the Decision of any Court or Jury, on the Grounds of the Buildings not being suitable to the Premises, or for any other Cause, it shall be lawful for the Tenant to pull down and sell or carry away the Materials of such Buildings, and such Tenant shall not be liable to any Penalties or Action for Waste or Dilapidation for his so doing, provided he leaves the Premises in the same Condition as before the Erection of such Buildings.

Recites that Improvements have not been made by Tenants from Want of Security.

XIII. And whereas for Want of Security for Capital expended by Tenants in the permanent Improvement of their Farms no Improvements in numerous Cases have been made, and it is expedient to promote the making of Improvements, and to protect from Eviction Tenants who may be willing to make them: And whereas Security for improving Tenants is now provided by this Act, and it is therefore just and expedient that fair Opportunity should be afforded for industrial Expenditure by Tenants now in occupation who may not have before entitled themselves to make claim under its Provisions, and who shall be willing and desirous to make such Improvements: Be it therefore enacted, That no Tenant, as herein-before defined, not being now entitled to claim the Benefits of this Act, shall be liable to be ejected by any Landlord for the Period of to be computed from the next, provided he so long pays the "fair Rent" for his Holding, as herein-before defined, the Amount of such Rent to be determined in manner before directed in other Cases; and if at the End of that Period he shall have made any Improvements on his Premises of the Kind herein-before described, he shall then be entitled to claim and obtain the Benefit of this Act.

Tenants desirous to improve not to be evicted for a Time limited, paying a Rent by Valuation.

If Improvements be made within such Time, the Tenant entitled to the Benefits of the Act.

Recites that from Failure of Crops and Reduction of Prices Arrears have accumulated on Tenants, impossible to be paid.

XIV. And whereas by reason of the Failure of the Crops which have occurred during the last Years, the Increase of local Taxation, and other Causes, Arrears of Rent have in many Cases accumulated upon Tenants which it is impossible for them to pay, and which operate as a great Discouragement to the Employment of Labour, and the Application of Capital and Industry to the Improvement of Land; and it is expedient to relieve Tenants from such Discouragement, and to adjust the Claims upon them for Rent accrued during those Years, upon a fair Estimate of the actual Produce of their Farms, and of the Prices which might have been obtained for such Produce, and of the Money Value of the Share thereof to which the Landlords may be equitably entitled, in respect of Rent, according to the true Intent and Meaning of the Construction of the Term "fair Rent" herein-before given: Be it enacted, That it shall be lawful for any Tenant who shall have been in possession of his Land for the Space of Years next before the passing of this Act, and on whom Arrears of Rent, have accumulated before the passing of this Act, to make claim upon his Landlord, in the Manner herein-before provided in respect of Claims for Compensation and Reduction of Rent, for an Adjustment and Composition of such Arrears, and in case he shall not be able to agree with such Landlord upon such Adjustment and Composition, or on the Amount thereof, to refer the Matter of such Claim to Arbitration, in the same Manner as herein-before provided for the Settlement of Claims for Compensation and Reduction of Rent; and it shall be lawful for the Arbitrators to determine the Amount of such Composition, and at what Time, and by what Instalments, if any, the same shall be paid: Provided always, that whenever the Amount of such Instalments or such Composition, ascertained by any Award made or given with respect to any Claim for such Adjustment and Composition, shall be equal to One whole Year's Rent of the Land in respect of which such Adjustment shall take place, it shall be lawful for the Landlord (subject to the Provisions of this Act) to proceed against the Tenant for the Recovery of the same, and to evict him for Nonpayment thereof, as in the Case of One Year's Rent being in arrear he is now by Law entitled to do.

Tenants in occupation for Years may claim an Adjustment by Arbitration, in manner provided in other Cases of Settlement of Rent under this Act.

Power to the Landlord to recover such adjusted Arrears.

XV. This Act shall extend only to Ireland.

Act for Ireland.

Tenant Right (Ireland).

A

B I L L

To provide for the better securing of and regulating the Custom of Tenant Right as practised in the Province of Ulster, and to secure Compensation to improving Tenants who may not make claim under the said Custom, and to limit the Power of Eviction in certain Cases.

(Prepared and brought in by
Mr. Moore and Mr. Maguire.)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1856.

Under 2 oz.

[Bill 43.]

Testamentary and Matrimonial Jurisdiction.

ARRANGEMENT OF CLAUSES.

PREAMBLE.

Commencement of Act; Sect. 1.

Interpretation Clause:—Will: Administration: Real Estate: Personal Estate: Matters Testamentary: Common Form Business: the Court: the Judge: the Prerogative Court: Lord Chancellor: Testamentary Office: District Office: Registrar: District Registrar; 2.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished; 3.

Matrimonial Jurisdiction of the same Courts abolished; 4.

Testamentary Jurisdiction vested in new Court; 5.

Matrimonial Jurisdiction vested in same Court; 6.

The Court to have Jurisdiction over all Wills; 7.

The Court to grant Certificates of Intestacy; 8.

Court to have equal Jurisdiction with Courts of Common Law, Chancery and Prerogative Court, with respect to Matters within its Jurisdiction; 9.

As to Wills and Matters Testamentary.

Course of Proceeding in Common Form Business; 10.

Sittings; 11.

Her Majesty empowered to appoint Judge of the Court; 12.

Judges of other Courts to sit with or in the Absence of the Judge; 13.

Rank of Judge; 14.

Secretary, Usher, and Trainbearer; 15.

Salaries of Judge and other Officers; 16.

Retiring Pension; 17.

Judge may appoint Persons to keep Order in Court; 18.

Power to supply Vacancies in Office of Judge appointed under this Act; 19.

Seals of the Court; 20.

Establishment of Testamentary Office; 21.

District Office; 22.

Officers of the Court; 23.

Power to increase Number of Registrars; 24.

Appointments to Offices; 25.

Principal Registrar; 26.

Qualification of future Registrars; 27.

Officers to execute Office in Person; 28.

Advocates admitted to practise as Barristers; 29.

Admission of Proctors as Solicitors; 30.

Admission of Articled Clerks to Proctors as Solicitors; 31.

Solicitors and Attorneys; 32.

Laws in force concerning Attorneys and Solicitors extended to Attorneys and Solicitors of the Court; 33.

Exclusive Right to transact Common Form Business in the Testamentary Office; 34.

Effect of Probate taken out by Executor as to Real Estate; 35.

Summons to Executors, &c. to prove Will of Real Estate. In default, Grant to be made to Applicant; 36.

Such Grant not to prejudice any subsequent one; 37.

Devisee of Real Estate devised by Will may obtain Probate of such Will; 38.

Administration with Will annexed of Personal Estate to have the same Effect as to Real Estate as Probate; 39.

Where a Person dies, leaving an Instrument affecting Real Estate, and another Instrument affecting Personal Estate, separate Probate to be granted, but in no other Case; 40.

Unrestricted Grant to be Evidence that Testator left no other Will; 41.

Restricted Grant to be Evidence, as the Case may be; 42.

Expense of Probate to be borne by Person applying for same; 43.

Probate to be Evidence of Contents of Will as to Real as well as to Personal Property; 44.

No Person to claim as Heir, &c. without Certificate of Intestacy; 45.

Certificate of Intestacy; 46.

Orders, &c. of the Court liable to Appeal; 47.

Probates, &c. to be obtained as in Prerogative Court; 48.

Affidavits to be made; 49.

Judge may appoint Commissioners; 50.

Probates to be obtained in District Offices; 51.

Reference of Questions when necessary to Judge; 52.

Deposit of Wills in Country Districts; 53.

No Probate or Administration to be granted through District Office, unless Deceased had fixed Place of Abode in District; 54.

Affidavits conclusive; 55.

Option of applying to Testamentary or District Office; 56.

Note and Copy of Will, &c. to be transmitted from District; 57.

Index to be made of Wills and Administrations, and sent to District Offices; 58.

Form of Probate and Administration; 59.

Official Copy of Will may be obtained; 60.

Executor or Administrator within Twelve Months to file Inventory of Effects of Deceased; 61.

In case of Neglect of Executor or Administrator to file Inventory within such Period, Court, on Application of any Person interested, may order same to be filed, with Costs; 62.

Caveats; 63.

Sureties in Administration Bonds; 64.

Bond; 65.

Penalty on Bond; 66.

Power to Court to assign Bond; 67.

Pending Suits: Proviso; 68.

Power to Judge of Prerogative Court to deliver written Judgments; 69.

Power as to Appointment of Administration; 70.

Administration pendente lite; 71.

Receiver of Real Estate pendente lite; 72.

Remuneration to Administrators pendente lite; 73.

After Grant of Administration, no Person to have Power to sue as an Executor; 74.

Revocation or Determination of temporary Grants not to prejudice Actions or Suits; 75.

Court to have like Control over Wills, &c. as the Prerogative Court; 76.

Court may remove from Registry or cancel a forged Will, or restore a Will which has been tampered with; 77.

Order to produce any Instrument purporting to be testamentary; Practice thereon; 78.

Issue may be tried before the Court by Jury; 79.

Examination of Parties and Witnesses before the Court: Production of Deeds; 80.

Issues may be tried at Assize; 81.

Attesting Witnesses to Will may be examined vivâ voce: Proviso; 82.

New Trials; 83.

Limitation of Time of Proceeding; Twenty Years; 84.

Disability; Ten Years; 85.

Fraud; 86.

Void and voidable Probates and Administrations valid: Proviso; 87.

Power to make Rules and Regulations; 88.

County Court Jurisdiction; 89.

Judges of present Ecclesiastical Courts and others, on Order of Judge, to transmit all Wills, &c. in their Possession to Testamentary or District Office; 90.

Penalty for Default; 91.

Power to Lord Chancellor to arrange for temporary Custody of Wills, &c.; 92.

Appointment to temporary Offices; 93.

Power to Judge to direct Registrars to discharge the Duties of Principal Registrar during Vacation, &c.; 94.

Power to Judge to remove any Officer appointed under this Act engaging in other Employment; 95.

Proctors, Solicitors, &c. appointed to any Office under this Act to cease to be Proctors, and be struck off the Rolls, as the Case may be; 96.

Saving existing Employments; 97.

Registrars, &c. to have Power to administer Oaths; 98.

Forging or counterfeiting Seal of Court or Signature of Officers: Penalty; 99.

This Act not to affect the Stamp Duties on Probates and Administrations; 100.

The Registrar to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue; 101.

Judge to prepare Table of Fees to be taken by Officers of Court, with Power to vary the same as he may think fit, and to publish same in Gazette: Trials, Pleadings, Practice and Procedure in Causes Matrimonial; 102.

No other Fees to be taken; 103.

No Officer to retain for his own Use any Fees, or accept Gratuity: Penalty; 104.

Prosecution of Offenders; 105.

Fees not to be paid in Money but by Stamps; 106.

So much of the Suitors in Chancery Relief Act as applies to the Collection of Fees by Stamps incorporated, except that separate Accounts be kept: Commissioners of Inland Revenue to retain Expenses, &c., and pay residue into Bank of England, to an Account "The New Court Fee Fund Account;" 107.

Fees to be paid to the same Account; 108.

Acts relating to Stamps under Commissioners of Inland Revenue incorporated; 109.

Power to Judge to provide Offices, &c.; 110.

Salaries of Officers; 111.

Power to Judge to remove any Officer becoming infirm or incapable, and to limit retiring Allowance; 112.

Mode of compensating retiring Officers, &c. Proviso; 113.

Compensation; 114.

Proctors; 115.

Compensation to Proctors in Partnership; 116.

Compensation to Judge of Prerogative Court; 117.

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SCHEDULES.

28 *April* 1856. 19 VICT.

A

BILL

TO

Transfer to a distinct Court the Testamentary and Matrimonial Jurisdiction of the Ecclesiastical and other Courts, and to amend the Law in relation to Matters Testamentary and Matrimonial.

Preamble.

WHEREAS it is expedient that the Jurisdiction of granting Probates of Wills and Administrations of the Effects of deceased Persons should cease to be exercised by Ecclesiastical, Manorial, or other Courts in England or Wales, and that such Jurisdiction should be exercised by Her Majesty in a Court to be established for the Purpose; and it is expedient that the Law with respect to Matters Testamentary should be amended in manner hereinafter provided; and it is also expedient that the Jurisdiction of Ecclesiastical Courts in England and Wales in Causes Matrimonial should cease, and that such Jurisdiction should be exercised by Her Majesty or the Court to be so established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. The Provisions of this Act (except where otherwise specially provided) shall come into operation not sooner than the *First Day of January One thousand eight hundred and fifty-seven,* or such other Day as Her Majesty shall by Order in Council appoint, provided that such Order shall be made Two Months at least previously to the Day so to be appointed.

Interpretation Clause:

II. The following Words and Expressions used in this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"Will:"

The Word "Will" shall comprehend "Testament," "Codicil," "Appointment by Will," or "Writing in the Nature of a Will," and all other Testamentary Instruments and Papers, whether operating on Personal Estate only, or on Real Estate only, or on Real and Personal Estate:

"Administration:"

The Word "Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, "Administrations de bonis non," "durante minore ætate," "ad litem," "pendente lite," "durante "absentia," and all other Letters of Administration whatsoever, whether granted for general, special, or limited Purposes:

"Real Estate:"

The Expression "Real Estate" shall extend to Manors, Advowsons, Messuages, Lands, Tithes, Rents, and Hereditaments, whether Freehold, Customaryhold, or Copyhold, or of any other Tenure (except Leasehold), and whether corporeal or incorporeal, and to any undivided Share thereof, and to any Estate, Right, or Interest (other than a Chattel Interest) therein:

"Personal Estate:"

The Expression "Personal Estate" shall extend to Leasehold Estates and other Chattels Real, and also to Moneys, Shares of Government and other Funds, Securities for Money (not being Real Estates) Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever which by Law devolves upon the Executor or Administrator, and to any Share or Interest therein:

"Matters Testamentary:"

The Expression "Matters Testamentary" shall comprehend all Matters relating to the Probate of Wills and Grant of Administration, the exhibiting of Inventories and Accounts, and all Causes and Matters arising out of or connected with the Probate of Wills and Grants of Administration:

"Common Form Business:"

The Expression "Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court in contentious Cases when the Contest is terminated, and all Business of all non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

The Expression "the Court" shall mean the Court hereby established: "the Court:"

The Expression "the Judge" shall mean the Judge of the Court hereby established: "the Judge:"

The Expression "the Prerogative Court" shall mean the Prerogative Court of the Archbishop of Canterbury: "the Prerogative Court:"

The Expression "Lord Chancellor" shall comprehend Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being: "Lord Chancellor:"

The Expression "Testamentary Office" shall mean the Office of the Court hereby established, to be called the Testamentary Office: "Testamentary Office:"

The Expression "District Office" shall mean each District Office hereby established: "District Office:"

The Expression "Registrar" shall mean the Principal Registrar and other Registrars of the Testamentary Office: "Registrar:"

The Expression "District Registrar" shall mean the Registrar of each District: "District Registrar:"

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include the Singular: "Number."

Words importing the Masculine Gender only shall include Females. "Gender."

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

III. The Jurisdiction and Authority of all Ecclesiastical, Royal, Peculiar, Manorial, and other Courts and Persons in England and Wales, so far as regards Jurisdiction, Power, or Authority to grant or revoke Probates of Wills or Letters of Administration of the Effects of deceased Persons, shall absolutely cease and determine; and no Jurisdiction or Authority in relation to Legacies, Inventories, and Accounts, or the Distribution of the Estates and Effects of deceased Persons, or any Testamentary Cause or Matter, or any Matter arising out of or connected with the Grant of Administration, shall belong to or be exercised by any such Court or Person as aforesaid.

Matrimonial Jurisdiction in the same Courts abolished.

IV. The Jurisdiction and Authority of all Ecclesiastical Courts in England and Wales in Causes and Matters Matrimonial, except the Jurisdiction to grant Licences for Marriage, shall absolutely cease and determine.

Testamentary Jurisdiction

V. All Jurisdiction, Power, and Authority in relation to the granting Probate of Wills and Letters of Administration of the Effects of vested in new Court.

of deceased Persons, now vested in or which might be exercised by any Court or Person in England or Wales, together with complete Jurisdiction for the Purpose of determining all Questions and Matters relating to Matters Testamentary throughout England and Wales, shall belong to and be vested in Her Majesty, and shall be exercised in the Name of Her Majesty in a Court of Record to be called "Her Majesty's New Court."

Matrimonial Jurisdiction vested in same Court.

VI. All Jurisdiction, Power, and Authority in Causes and Matters Matrimonial now vested in or which might be exercised by any Ecclesiastical Court in England or Wales, except the Jurisdiction to grant Licences for Marriage, shall belong to and be vested in Her Majesty, and shall be exercised in the Name of Her Majesty in the Court established by this Act.

The Court to have Jurisdiction over all Wills.

VII. Probate shall be taken of all Wills, whether operating on Real Estate only or on Personal Estate only, or on Real and Personal Estate; and the Court shall have the same Jurisdiction, Power, and Authority with regard to Wills operating on Real Estate only, or on Real and Personal Estate, as with regard to Wills operating on Personal Estate only.

The Court to grant Certificate of Intestacy.

VIII. The Court shall have Jurisdiction to grant Certificates of Intestacy as to Real Estate.

Court to have equal Jurisdiction with Courts of Common Law and Chancery and the Prerogative Court, with respect to Matters within its Jurisdiction.

IX. The Court shall, for the Purpose of exercising the Jurisdiction, Power, and Authority hereby vested in the same Court, have all the Jurisdiction, Power, and Authority, by Statute or otherwise, now exercisable by the Superior Courts of Common Law at Westminster and the Court of Chancery, with respect to Matters within their or either of their Jurisdiction, and also all Powers and Authorities, by Statute or otherwise, now exercisable by the Prerogative Court, or any other Court or Body Politic or Corporate, or any Person whomsoever, exercising or entitled to exercise Jurisdiction in relation to Matters Testamentary or Matrimonial.

As to Wills and Matters Testamentary.

Course of Proceeding in Common Form Business.

X. The Course of Proceeding in the Court in Common Form Business shall, except where otherwise provided by this Act, or by any Rules or Orders to be from Time to Time made by the Judge of the Court, in pursuance of this Act, so far as the Circumstances of the Case will admit, be according to the present Form and Manner of Proceeding in the Prerogative Court; and all Statutes, Laws, Usages, and Practices now in force in the Prerogative Court, not inconsistent with the Provisions of this Act, or with any Rules or Orders to be made in pursuance of this Act, shall apply to and govern the Court with respect to Common Form Business, in the same Manner as such Statutes, Laws, Usages, and Practices apply to and govern the Prerogative Court.

Sittings.

XI. The Court shall hold its Sittings at such Place or Places in London or Middlesex, or elsewhere, as Her Majesty in Council shall from Time to Time appoint.

Her Majesty empowered to appoint Judge of the Court.

XII. It shall be lawful for Her Majesty, at any Time after the passing of this Act, to appoint, by Letters Patent under the Great Seal of the United Kingdom, a fit and proper Person being, or having been a Barrister at Law of *Fifteen* Years standing at the least, or an Advocate of the Court of Arches of *Ten* Years standing at the least, to be the Judge of the Court.

Judges of other Courts to sit with or in the Absence of the Judge.

XIII. It shall be lawful for any One or more of the Judges of the Superior Courts of Common Law at Westminster, or for the Master of the Rolls, or for any One or more of the Vice-Chancellors appointed under an Act passed in the Fifth Year of the Reign of Her present Majesty, Chapter Five, at the Request of the Judge, to sit in the Court as Judge or Judges thereof, with or in the Absence of the Judge.

Rank of Judge.

XIV. The Judge to be appointed under this Act shall have equal Rank and Precedence with the Vice-Chancellors appointed under the last-mentioned Act.

Secretary, Usher, and Trainbearer.

XV. He shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure, and the Principal Registrar, Registrars, and other Officers of the Court appointed under the Provisions of this Act shall attend such Judge when sitting in Court or in Chambers, as Circumstances shall require.

Salaries of Judge and his Officers.

XVI. The Salary of such Judge shall be   *Pounds* per Annum, and the Salaries of his Secretary, Usher, and Trainbearer shall be of the same Amounts as the Salaries of the Secretaries, Ushers, and Trainbearers of the Vice-Chancellors appointed under the last-mentioned Act.

Retiring Pension.

XVII. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to grant to such Judge, on his Resignation of or ceasing to execute his Office, an Annuity of   *Pounds*, after the same Period of Service, under the same Circumstances, and subject to the same Conditions as the Annuity authorized to be granted to each of the Vice-Chancellors appointed under the last-mentioned Act.

Judge may appoint Persons to keep Order in Court.

XVIII. It shall be lawful for the Judge to appoint One or more Person or Persons, removable at Pleasure, for the Purpose of keeping order in the Court; and the Salaries of the Persons appointed or to be appointed under this Act to keep order in such Court shall be of such Amount, not exceeding the yearly Sum of *Eighty Pounds*, as the Judge may think reasonable.

Power to supply Vacancies in Office of Judge appointed under this Act.

XIX. From Time to Time when and as any Vacancy shall occur in the Office of the Judge who shall be appointed under the Authority of this Act, by the Death, Resignation, or Removal from Office of such Judge or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to appoint a fit Person, being or having been a Barrister-at-Law of *Fifteen* Years standing at the least, or an Advocate of the Court of Arches of *Ten* Years standing at the least, to supply such Vacancy.

Seals of the Court.

XX. The Judge shall direct proper Seals to be made for the Court, to be used in the Testamentary Office and District Offices respectively; and it shall be lawful for the Judge to direct the same to be broken, altered, and renewed, at his Discretion.

Establishment of Testamentary Office.

XXI. An Office of the Court, to be called the Testamentary Office, shall be established in such Place as Her Majesty in Council shall from Time to Time appoint; and until another Testamentary Office shall be appointed by Her Majesty in Council the present public Registry of the Prerogative Court shall be used as the Testamentary Office of the Court.

District Office.

XXII. There shall be established in each of the Districts specified in Schedule (D.) to this Act, and at the Places respectively mentioned in such Schedule, a District Office, to be called "The District Testamentary Office."

Officers of the Court.

XXIII. There shall be the following Officers of the Court; (that is to say,)

In the Testamentary Office, One Principal Registrar, and so many Registrars, Principal Clerks, Assistant Clerks, Officers, and Messengers as the Lord Chancellor and the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may think fit:

In each District Office, One District Registrar, and so many Clerks, Messengers, and Servants as the Judge, with the Sanction of the Commissioners of Her Majesty's Treasury, may think fit.

Power to increase Number of Registrars.

XXIV. If the Lord Chancellor and the Judge shall at any Time be of opinion that the Business cannot be efficiently transacted without the Appointment of One or more additional Principal Registrars, or of One additional District Registrar in any District, it shall be lawful for the Lord Chancellor and the Judge to increase the Number of such Principal Registrars or District Registrars respectively, provided that not more than Two additional Principal Registrars shall be so appointed.

Appointments to Offices.

XXV. The Principal Registrar and Registrars in the Testamentary Office, and the District Registrars, shall be appointed by the Judge, the Principal Clerks, Assistant Clerks, Officers, and Messengers attached to the Testamentary Office shall be appointed by the Principal Registrar, with the Approbation of the Judge, and the Clerks and Messengers in each District Office shall be appointed by each District Registrar, with the Approbation of the Judge.

Principal Registrar.

XXVI. The Principal Registrar shall, subject to any Orders to be made by the Judge, have the general Superintendence and Control of the Offices of the Court, and the Officers thereof, and the Business transacted in such Offices, and at the Time of being appointed shall be or have been an Advocate of the Court of Arches of *Ten* Years standing, or a Barrister-at-Law of the like standing, or have served as Registrar of the Court for a Period of *Five* Years.

Qualification of future Registrars.

XXVII. No Person shall hereafter be appointed Registrar or Principal Clerk in the Testamentary Office, or District Registrar, who shall not be or have been an Advocate of the Court of Arches, a Barrister-at-Law, a Proctor in some Ecclesiastical Court, or a Solicitor of the Court of Chancery; provided that any Person who at the Time of the passing of this Act is acting as Registrar or Deputy Registrar of any Ecclesiastical Court shall be eligible to the Office of Registrar or Principal Clerk in the Testamentary Office, or District Registrar.

Officers to execute Office in Person.

XXVIII. The Principal Registrar and Registrars of the Testamentary Office, and the District Registrars, shall execute their respective Offices in Person, and shall hold the same during their good Behaviour, subject to be removed by Order of the Judge for some good and reasonable Cause to be in such Order expressed: The other Officers shall execute their respective Offices in Person, and shall hold their Office during the Pleasure of the Judge.

Advocates admitted to practise as Barristers.

XXIX. All Persons who at the Time of the passing of this Act are Advocates of the Court of Arches shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England or Wales, in like Manner in all respects, and with the same Rank and Precedence, and with the same Eligibility to Appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Day on which they respectively were admitted as Advocates in the said Court of Arches.

Admission of Proctors as Solicitors.

XXX. Every Person who at the Time of the *passing of this Act* is acting as Registrar or Deputy Registrar of any Ecclesiastical Court, or is actually admitted or practising as a Proctor in the Courts in Doctors Commons, or any Ecclesiastical Court in England or Wales, may, at any Time after the *passing of this Act*, not later than *One Year* thereafter, be admitted as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an official Certificate thereof, and upon the Production of an official Certificate that such Admission continues in force, and upon signing the Roll of the Court of Chancery, but not otherwise; and such Admission shall entitle such Proctor so admitted as a Solicitor to be afterwards in like Manner admitted, if he shall so think fit, and to be enrolled as an Attorney of Her Majesty's Superior Courts of Common Law at Westminster.

Admission of Articled Clerks to Proctors as Solicitors.

XXXI. Every Person who at the Time of the *passing of this Act* is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Courts at Doctors Commons, or in some Ecclesiastical Court in England or Wales, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled, at any Time within *One Year* after his having completed his full Term of Service as such Articled Clerk, to be admitted as a Solicitor of the High Court of Chancery, upon signing the Roll of the same Court, and with the like Privileges as if he had been admitted as a Proctor at the Time of the passing of this Act.

Solicitors and Attorneys.

XXXII. All Solicitors of the High Court of Chancery and Attornies of the Superior Courts of Common Law at Westminster, shall be Solicitors and Attorneys respectively of the Court.

Laws in force concerning Attorneys and Solicitors extended to Attorneys and Solicitors of the Court.

XXXIII. All the Laws and Statutes now in force concerning Attorneys and Solicitors shall extend to Attorneys and Solicitors practising in the Court.

XXXIV. The exclusive Right to act as an Attorney or a Solicitor in respect of Common Form Business in the Court, other than the Common Form Business transacted through the District Offices, and to receive Fees in respect thereof, shall belong to such Solicitors, not exceeding the Number of One hundred and twenty, as shall from Time to Time be appointed by the Judge for that Purpose; provided that the Solicitors first appointed shall be such Solicitors admitted in pursuance of the Provisions of this Act as shall at the Time of the passing of this Act be actually admitted and practising as Proctors and Notaries in the Courts in Doctors Commons.

Exclusive Right to transact Common Form Business in the Testamentary Office.

XXXV. When Probate of any Testator's Will, operating on Real Estate as well as on Personal Estate, shall have been granted to the Executor or any One or more of the Executors thereby appointed, such Probate shall enure for the Benefit of the Person or Persons to or for whose Benefit the Real Estate devised by such Testator shall have been devised.

Effect of Probate taken out by Executors as to Real Estate.

XXXVI. It shall be lawful for any Devisee, Creditor, or other Person interested in the Real Estate devised by any Testator's Will operating as well on Real Estate as on Personal Estate, to apply to the Court to issue and for the Court to issue accordingly a Summons requiring the Executor, if any, and if there shall be no Executor then the Residuary Legatee, if any, and if there shall be neither Executor nor Residuary Legatee, then the Person entitled to Administration of the Personal Estate of the Deceased with such Will annexed, to obtain Probate of such Will or Administration of the Personal Estate of the Deceased with such Will annexed in the Testamentary Office hereby established or any District Office hereby established, and having Jurisdiction to grant such Probate or Administration, by a Time to be limited in such Summons; and if such Executor, Residuary Legatee, or other Person, having been duly served with such Summons, shall not have taken out such Probate or Administration within the Time so to be limited, then and in such Case it shall be lawful for the Court to grant a Probate of such Will, at the Instance of such Devisee, Creditor, or other Person interested in such Real Estate, in order that there may be proper Evidence of such Will; but such Probate shall not give the Person applying for or obtaining the same, or any other Person, any Right or Title to administer or in any way to interfere with the Personal Estate of the Deceased, nor shall such Probate be received or receivable as any Evidence of the Title of the Executor, if any, named or appointed by the Will, or be otherwise available with respect to the Personal Estate of the Deceased; provided that it shall be lawful for the Court, in any Case in which it shall deem it expedient,

Summons to Executors, &c. to prove Will of Real Estate. In default Grant to be made to Applicant.

expedient so to do, to direct substituted Service of such Summons, or wholly to dispense with the Service thereof.

Such Grant not to prejudice any subsequent Grant.

XXXVII. The Grant of such Probate as last aforesaid shall in nowise prevent or prejudice any subsequent Probate or Grant of Letters of Administration of the Personal Estate of the Deceased with his Will, annexed upon the Application of the Executor, Residuary Legatee, or other Person entitled to the same, but such Probate or Letters of Administration shall recite or refer to the Probate which shall have been granted as aforesaid at the Instance of such Devisee, Creditors, or other Person interested as aforesaid.

Devisee of Real Estate devised by Will may obtain Probate of such Will.

XXXVIII. It shall be lawful for any Devisee, Creditor, or other Person interested in the Real Estate devised by any Testator's Will, whether consisting of One Instrument or Two or more Instruments or Sets of Instruments, (operating on Real Estates only,) to obtain Probate of such Will, which Probate shall enure for the Benefit of all the Devisees under the same Will; but such Probate shall not give the Person obtaining the same any Right or Title to administer or in anywise to interfere with the Personal Estate of the Deceased.

Administration with Will annexed of Personal Estate to have the same Effect as to Real Estate as Probate.

XXXIX. Letters of Administration of the Personal Estate of any deceased Person with his Will annexed, where such Will operates on Real Estate as well as on Personal Estate, shall have the same Operation and Effect as to the Real Estate devised by such Will as a Probate thereof would have had if taken out by an Executor therein named or appointed.

Where a Person dies leaving an Instrument affecting Real Estate, and another Instrument affecting Personal Estate, separate Probate to be granted, but in no other Case.

XL. Where a Person shall die leaving One Testamentary Instrument or One Set of Testamentary Instruments affecting Real Estate only, and another Testamentary Instrument or Set of Testamentary Instruments affecting Personal Estate, Probate of the Testamentary Instrument or Set of Testamentary Instruments affecting the Testator's Real Estate shall be granted separately from the Probate or Administration with the Will annexed which may be granted with respect to the Testator's Personal Estate; but it shall not be lawful for the Court in any other Case to grant separate Probates of separate Testamentary Instruments of the same Testator, or separate Administrations with separate Testamentary Instruments annexed, of different Portions of the Personal Estate of the same Testator.

Unrestricted Grant to be Evidence that Testator left no other Will.

XLI. Wherever the Court grants Probate of any Will or Administration with the Will annexed, without expressly restricting the same to the Real Estate or to the Personal Estate of the Testator, such Probate or Administration, while uncancelled or unrevoked, shall be conclusive Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument.

Restricted Grant to be Evidence, as the Case may be.

XLII. Wherever the Court grants Probate of any Will or Administration with the Will annexed restricting the same either to the Real Estate or to the Personal Estate of the Testator, such Probate or Administration, while uncancelled or unrevoked, shall be conclusive Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument affecting the Real Estate of the Testator or his Personal Estate, as the Case may be.

Expense of Probate to be borne by Person applying for same.

XLIII. The Expense of obtaining Probate of a Will by or at the Instance of a Devisee, Creditor, or other Person interested in the Real Estate devised thereby, shall be borne by the Person applying for the same out of the Estate or Interest taken by such Person under such Will, and in the Case of a Creditor out of the Estate thereby devised; provided that the Judge may, if he think fit, order in any Case that such Expense or any Part thereof shall be borne by any other Person or Persons interested in the Real Estate devised by any such Will out of the Estate or Interest taken by such other Person or Persons.

Probate to be Evidence of Contents of Will as to Real as well as Personal Property.

XLIV. The Probate of every Will granted under this Act, while such Probate continues unrevoked, shall, upon Production thereof, be received in all Courts and in all Suits and Proceedings whatsoever in anywise touching or affecting Real or Personal Estate, of whatever Nature or Tenure, (except any Suit or Proceeding by way of Appeal against the Grant of such Probate, or for the Revocation of such Probate,) as final and conclusive Evidence of the Validity and Contents of such Will, in like Manner as the Probate of a Will is now received as such Evidence in Suits and Proceedings as to Personal Estate to which such Probate extends.

No Person to claim as Heir, &c. without Certificate of Intestacy.

XLV. No Person claiming any Real Estate, either at Law or in Equity, by reason or in consequence of the Death of any Person after the Time appointed for the Commencement of this Act, wholly intestate as to his Real Estate, either as the Heir of such deceased Person or in any other Character or Capacity, shall be entitled to maintain any Action or Suit for the Recovery of such Real Estate, or the Rents and Profits thereof, or any Part thereof respectively, unless and until the Intestacy of the Deceased shall be shown by a Certificate of Intestacy; provided that the Court may, if it shall so think fit, dispense with such Certificate of Intestacy in Cases of

Waste or other Cases requiring the immediate Interposition of the Court.

Certificate of Intestacy.

XLVI. A Certificate of the Intestacy of any deceased Person, granted by the Court under the Provisions of this Act, while uncancelled or unrevoked, shall be conclusive Evidence (except in Suits or Proceedings in such Court, or in any Court of Appeal or other Court having Power to recall or revoke the same, in which the Intestacy may be in contest,) in all Courts and before all Tribunals, that such Person died intestate as to his Real Estate, and (except in such Suits or Proceedings as aforesaid) no Evidence to the contrary thereof shall be received or receivable.

Orders, &c. of the Court liable to Appeal.

XLVII. All Orders or Decrees of the Court shall be liable to an Appeal to the House of Lords.

Probates, &c. to be obtained as in Prerogative Court.

XLVIII. Probates of Wills and Grants of Administration shall be obtained through the Testamentary Office and District Offices in such and the like Manner, as near as may be, as Probates in Common Form and Grants of Administration have been heretofore obtained in the Prerogative Court, except so far as is otherwise provided by this Act, or may be otherwise provided by any General Order to be made in pursuance of this Act.

Affidavits to be made.

XLIX. The Person or some One of the Persons applying for Probate of a Will or Grant of Administration shall, before such Probates or Administration shall be granted, make an Affidavit, with a Schedule annexed thereto, in a Form similar to the Form set forth in the Schedule (A.) to this Act, with such Variations as the Nature and Circumstances of the Case may require.

Judge may appoint Commissioners.

L. The Judge shall from Time to Time appoint such and so many Persons as he shall think fit, residing at convenient Places, to be permanent Commissioners for the Purpose of administering Oaths to Executors, Administrators, or others who may not desire or be able to attend before a Registrar or District Registrar.

Probates to be obtained in District Offices.

LI. Application may be made to any District Registrar for any Probate or Administration, either personally or through a Solicitor; and when such Oaths shall have been taken before the District Registrar or a Commissioner as shall be necessary before such Probate or Administration can be granted, such Registrar shall prepare the Probate or Administration, including the Copy of Will to be annexed, and affix thereto the Seal of the Court for the District, and transact all other Common Form Business relating thereto.

Reference of Questions when necessary to Judge.

LII. Any Question arising in the Transaction of Common Form Business may be referred by the District Registrar to the Principal Registrar, for the Directions of the Judge.

Deposit of Wills in Country Dtstricts.

LIII. The original Wills, Administration Bonds, and all other Documents connected with the Grant of Probate or Administration through each District Office, shall be taken possession of by the District Registrar, and permanently deposited in the District Registry, and may be there inspected in the same Manner as Wills and other Documents in the Custody of the Prerogative Court are now permitted to be inspected, and on the Payment of such Fee as the Judge shall by any General Order direct.

No Probate or Administration to be granted through District Office, unless Deceased had fixed Place of Abode in District.

LIV. Probate or Administration shall not in any Case be granted through any District Office, unless it shall appear by Affidavit of the Person or some one of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made.

Affidavits conclusive

LV. The Affidavit or Affidavits so to be made shall be conclusive for the Purpose of authorizing the Grant of Probate or Administration through the District Office; and no Grant of Probate or Administration made through any District Office shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death.

Option of applying to Testamentary or District Office.

LVI. It shall not be obligatory on any Person to apply for Probate or Administration through any District Office, but in every Case such Application may be made at the Testamentary Office for such Probate or Administration wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode.

Note and Copy of Will, &c. to be transmitted from District.

LVII. Every District Registrar shall within the *first Fourteen Days* of every Calendar Month transmit to the Registrar a Schedule containing a Note of every Probate or Administration with the Will annexed granted during the preceding Month, together with an official Copy of the Will, and also a Note of every Administration granted within the same Period, such respective Notes setting forth the Dates of such such Grants, the Names of the Testators and

Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects.

Index to be made of Wills and Administrations, and sent to District Offices.

LVIII. The Registrar shall, within Two Calendar Months after the *Thirtieth Day of June* and the *Thirty-first Day of December One thousand eight hundred and fifty-seven*, and within Two Calendar Months after the *Thirtieth Day of June* and the *Thirty-first Day of December* in every succeeding Year, cause to be made and printed an alphabetical Index of all the Wills proved and Letters of Administration granted in England and Wales during the Six Calendar Months preceding the said several Days; and such Index shall be made in such Form as the Registrar shall from Time to Time think most convenient; and One Copy of every such Index shall forthwith be transmitted by the Registrar to each of the District Registrars, to be permanently deposited in the District Registry, and to be there inspected, on the Payment of such Fee as the Judge shall by any General Order direct.

Form of Probate and Administration.

LIX. Probate and Administration may be granted in the Form or to the Effect set forth in the Schedule (B.) to this Act, with such Variations as the Nature and Circumstances of the Case may require.

Official Copy of Will may be obtained.

LX. An official Copy of any Part or Portion of a Will, or of the whole thereof, may be obtained from the Testamentary Office or any District Office, on Payment of such Fee as the Judge shall by any General Order direct.

Executor or Administrator within Twelve Months to file Inventory of Effects of Deceased.

LXI. Every Executor or Administrator shall within Twelve Calendar Months after the Grant of Probate or Administration to him shall have been made file in the Testamentary Office or in the District Office from which such Grant issued an Inventory of the Estate and Effects of the Deceased for or in respect of which the Probate or Administration shall have been granted, in such Form, containing such Particulars, and accompanied by an Affidavit in such Form or to such Effect as the Judge shall by any General Order direct.

In case of Neglect of Executor or Administrator to file Inventory within such Period, Court, on Application of any Person interested,

LXII. If any Executor or Administrator shall neglect to file such Inventory and Affidavit as aforesaid within the aforesaid Period of Twelve Calendar Months, or within such further Time as shall be allowed by the Court for the Purpose, it shall be lawful for any Person interested in the Estate of the Deceased to apply in a summary Manner to the Court; and upon such Application it shall be lawful for the Court to order that such Inventory and Affidavit shall be filed within such Time as the Court shall think fit, and to award such Costs against the Executor or Administrator, either personally or out of the Estate, as it shall think right; and every such Order may be enforced in like Manner as other Orders of the Court.

may order same to be filed, with Costs.

Caveats.

LXIII. Caveats against the Grant of Probates or Administrations may be lodged in the Testamentary Office or in any District Office, in like Manner, as near as may be, as Caveats are now lodged in the Prerogative Court; and the Practice and Proceedings under such Caveats in the Court shall, as near as may be, correspond with and be similar to the Practice and Proceedings under Caveats now in use in the Prerogative Court, except so far as may be otherwise provided by any General Order to be made in pursuance of this Act; and when a Caveat shall be lodged in the Testamentary Office wherein the Residence of the Testator or Intestate shall be described as having been in One or more of the Country Districts, the Registrar shall immediately send a Copy of such Caveat to the District Registrar or Registrars; and when a Caveat shall be lodged in any District Office the District Registrar shall immediately send a Copy thereof to the Registrar, to be entered among the Caveats in the Testamentary Office.

Sureties in Administration Bonds.

LXIV. So much of an Act passed in the Twenty-first Year of the Reign of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of the Reign of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of the Reign of King James the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be and the same is hereby repealed.

Bond.

LXV. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court for the Time being, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any General Order direct.

Penalty on Bond.

LXVI. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court so to do, and also to direct that more Bonds than One shall be given, so as to limit the Liability of any Surety or Sureties to such Amount as the Court shall think reasonable.

Power to Court to assign Bond.

LXVII. The Court may, on Application, made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order any One of the Registrars of the Court to assign the same to some Person, to be named in such Order, as the Party to sue in respect of any Breach of the Condition thereof, and such Person shall thereupon be entitled to sue on the said Bond in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, (subject nevertheless to the Control and Direction of the Court,) the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Pending Suits.

LXVIII. All Suits, whether original or by way of Appeal, which shall be depending in any Court in England or Wales respecting the Grant of Probate of any Will or Administration of the Effects of any deceased Person, or respecting any Matter Matrimonial, shall be transferred, with all the Proceedings therein, to the Court, there to be dealt with and decided according to the Rules and Practice of the Court, except so far as the Court may think it expedient to adopt for the Purposes of such transferred Suits or any of them the Rules or Practice of the Court in which the same shall have been pending, to which end the Court shall for the Purposes of such Suits be deemed and taken to have all the Powers and Jurisdiction, to all Intents and Purposes, possessed by the Court from which such Suit shall be transferred: Provided always, that this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed; provided also, that every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding the Provisions of this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence; provided also, that Her Majesty in Council may remit to the Court any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Proviso.

Proviso.

Proviso.

Power to Judge of Prerogative Court to deliver written Judgments.

LXIX. If at any Time when this Act shall come into operation any Cause or Matter which shall have been heard before the Judge of the Prerogative Court shall be standing for Judgment, it shall be lawful for such Judge, at any Time within *Six* Weeks after this Act shall have come into operation, to give in to One of the Registrars of the Court a written Judgment therein signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court on the Day on which the same shall be delivered to the Registrar, and shall be in like Manner subject to Appeal.

Power as to Appointment of Administrator.

LXX. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case to appoint some Person to be the Administrator of the Personal Estate of the Deceased, other than the Person who if this Act had not passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator, upon his giving such Security (if any) as the Court shall direct, and if in the Judgment of the Court, under the special Circumstances of any particular Case, it shall be proper or advisable so to do, to appoint as such Administrator a Person to be under the immediate Control of and immediately accountable to the Court, and to allow to such Person such Remuneration out of the Estate as the Court shall think fit.

Administration pendente lite.

LXXI. It shall be lawful for the Court to appoint an Administrator of the Personal Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person, or for the obtaining, recalling, or revoking any Probate of a Will or any Grant of Letters of Administration of his Personal Estate; and the Administrator so appointed shall have all the Rights and Powers of general Administrators, other than the Right of distributing the Residue of such Personal Estate, after Payment of the Funeral Expenses and Debts of such deceased Person, except so far as such Rights and Powers may be limited or restricted by any Order of the Court; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Receiver of Real Estate pendente lite.

LXXII. It shall be lawful for the Court to appoint a Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person, and the Power of the Court of Chancery to appoint a Receiver pending any such Suit shall cease after the *Commencement of this Act.*

Remuneration to Administrators pendente lite and Receivers.

LXXIII. It shall be lawful for the Court to direct that Administrators and Receivers appointed by the Court, pending Suits therein, should receive out of the Estate of the Deceased such reasonable Remuneration as the Court shall think fit.

After Grant of Administration, no Person to have Power to sue as an Executor.

LXXIV. After any Administration shall have been granted by the Court of the Personal Estate of any deceased Person, or any Part thereof, no Person shall have Power to sue or prosecute any Suit or otherwise act as Executor of the Deceased as to the Estate comprised in or affected by such Grant of Administration, until the same Grant shall have been by Act of the Court revoked or declared to have been determined.

Revocation or Determination of temporary Grants not to prejudice Actions or Suits.

LXXV. The Revocation or Determination by Act of the Court of any temporary Administration granted by the Court shall in nowise prejudice any Proceedings at Law or in Equity which may have been commenced by or against any Administrator so appointed, but a Suggestion may be made upon the Record of the Revocation or Determination of such Administration, and of the Grant of Probate or Administration which shall have been made consequent upon such Revocation or Determination, and the Proceedings which shall have been commenced by or against the Administrator whose Administration shall have been so revoked or determined shall be continued in the Name of the Executor or Administrator constituted or appointed in his Place, in like Manner in all respects, with reference to Liability to Costs, and otherwise, as if the Proceeding had been originally commenced by or against the Executor or Administrator so last established or appointed.

Court to have like Control over Wills, &c. as the Prerogative Court.

LXXVI. The Court shall have the same or the like Power and Control over all Wills and Testamentary Instruments, and over all Papers or Writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to Matters within the Jurisdiction of the same Court.

Court may remove from Registry or

LXXVII. The Court shall have Jurisdiction to order the Removal from the Testamentary or any District Office or the Cancellation of any Will which may be shown to the Satisfaction of the Court to have been forged, or the Cancellation or Restoration of any Part of a Will which may be shown to have been forged, altered, or tampered with.

cancel a forged Will, or restore a Will which has been tampered with.

Order to produce any Instrument purporting to be testamentary.

LXXVIII. It shall be lawful for the Court, on Motion, Petition, or otherwise in a summary Way, whether any Suit shall be depending in the Court with respect to any Probate or Administration, or not, to order any Person to produce and bring into the Testamentary Office or any District Office of the Court, or otherwise, as the Court may direct, any Paper or Writing being or purporting to be testamentary which may be shown to be in the Possession or under the Control of such Person; and if it shall not be shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for concluding that he has the Knowledge of any such Paper or Writing, it shall be lawful for the Court to direct such Person to be examined in open Court or upon Interrogatories respecting the same; and such Person shall be bound to answer, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to Process of Contempt in case of Default in not answering or not producing or bringing in such Paper or Writing; and the Costs of all such Proceedings and of such Productions as aforesaid shall be in the Discretion of the Court.

Practice thereon.

Issues may be tried before the Court by Jury.

LXXIX. In Issues or Questions of Fact arising in Suits or other Proceedings under this Act, it shall be lawful for but not obligatory upon the Court to direct the Truth thereof to be determined before itself by the Verdict of a Special or Common Jury: For the Trial of such Issues the Special or Common Jury shall, in pursuance of a Precept by the Court, directed to the Sheriff of Middlesex, be by the said Sheriff impannelled, struck, and summoned before the Court, and be subject to the same Penalties as if they were impannelled, struck, and summoned for the Trial of Issues at the Sittings at Nisi Prius for Westminster: The Special or Common Jury so summoned to appear before the Court shall be subject to the same Penalties, and be liable to be challenged for the same Causes and by the same Persons, and shall try the Matters in Issue and give a Verdict thereon, as if such Issues were tried at the Sittings at Nisi Prius for Westminster.

Examination of Parties and Witnesses before the Court.

LXXX. The Court may require the Attendance of the Parties or of any Witness or Witnesses before itself in any Suit or other Proceeding, and examine or cause to be examined Parties or Witnesses by Word of Mouth, and either before or after Examination, by Deposition or Affidavit; and the Court may order to be produced

Production of Deeds, &c.

before itself or otherwise any Deeds, Evidences, or Writings, in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued by any of Her Majesty's Superior Courts, and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding *One hundred Pounds.*

Issues may be tried at Nisi Prius.

LXXXI. The Court may direct Issues on Matters of Fact arising in Suits or other Proceedings under this Act to be tried by the Verdict of a Special or a Common Jury before any Judge of Assize.

Attesting Witnesses to Will may be examined vivâ voce.
Proviso.

LXXXII. In any Suit in the Court touching the Validity of any Will, any Party interested may require the subscribing Witnesses to such Will, if within the Jurisdiction of the Court, to be produced and examined in open Court: Provided that the Court may dispense with the Production and Examination of such subscribing Witnesses, and that the Costs in all Cases shall be in the Discretion of the Court.

New Trials.

LXXXIII. If the Court be dissatisfied with the Verdict of a Jury, either before itself, or before a Special or Common Jury before any Judge of Assize, it may, subject to the Rules and Orders under this Act, order and direct a new Trial, either before itself or before any Judge of Assize, and if no new Trial be ordered the Verdict of the Jury shall be conclusive.

Limitation of Time of Proceeding.
Twenty Years.

LXXXIV. Except as herein-after provided, no Suit or Proceeding shall be instituted or taken to revoke or recal any Probate of a Will or Grant of Administration after the Expiration of *Twenty* Years from the Date of such Probate or Administration.

Disability.

LXXXV. If at the Time of the granting any Probate or Administration with respect to the Estate of any deceased Person, the Person or some or One of the Persons entitled to revoke or recal such Probate or Administration shall have been or shall be under the Disability of Infancy, Coverture, Idiotcy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, then and in such Case such Person so under Disability, or any Person claiming under him, may institute or take any Suit or Proceeding for the Purpose of revoking or recalling any Probate or Administration of his Estate within Ten Years after the Removal of such Disability, or after the Death of the Person under Disability, which shall have first happened.

Ten Years.

Fraud.

LXXXVI. In Cases of Fraud it shall be lawful for the Person aggrieved or supposed to be aggrieved thereby, or any Person claiming under him, to institute a Suit or Proceeding for the Purpose of revoking

revoking or recalling Probate of a Will or Grant of Administration, notwithstanding the Expiration of the limited Period herein-before fixed for the Purpose, provided the special Leave of the Court be previously obtained, authorizing the Institution of such Suit or Proceeding, such Leave to be applied for by Petition or Motion in a summary Way, and upon Notice to such Persons, if any, as the Court shall think fit, and to be granted upon such Terms, if any, as the Court may think fit to impose.

Void and voidable Probates and Administrations valid.

LXXXVII. All Probates and Administrations granted before the Time appointed for the Commencement of this Act which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to grant such Probates of Wills or Administrations, shall be and be deemed for all Purposes whatsoever to be and to have been as valid as if the same had been obtained from the Courts entitled to grant such Probates and Administrations respectively: Provided always, that any void or voidable Probate or Administration shall not be made valid by this Act when another Probate of the same Will or other Letters of Administration of the same Personal Estate shall subsequently, but before the Time appointed for the Commencement of this Act, have been granted out of the proper Court, nor when such Probate or Administration shall have been revoked or determined by any Court of competent Jurisdiction to have been void before that Time, nor so far as the same respects any Personal Estate which at the Time of the passing of this Act shall be in the Possession of any Person who would not have been entitled thereto if the same Probate or Administration were valid, nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question between the Person claiming under the same and the Person claiming adversely thereto; and such Probate or Administration, if the Result of such Proceeding shall be to invalidate the same, shall not be rendered valid by this Act; and if such Proceedings shall abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of any such Probate or Administration shall retain such Right, so that he may commence Proceedings for enforcing the same within *Six* Calendar Months after the Death of such Party.

Proviso.

Power to make Rules and Regulations.

LXXXVIII. It shall be lawful for the Judge, at any Time after the *passing of this Act*, and from Time to Time, to make such Rules, Orders, and Regulations respecting the Form and Mode of Proceeding in the Court, and the Pleadings and Practice thereof, and the Conduct and Duties of the Officers and Practitioners therein, and if he shall so think fit, for altering the Course of Proceeding herein prescribed or referred to in reference to any of the Matters to which this Act relates, and also for regulating the Fees and Allowances to Solicitors of the Court in relation to such Matters as to him shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, and Regulations; and all such Rules, Orders, and Regulations shall have the same Force and Effect as if the same had been enacted by Parliament: Provided always, that a Copy of such Rules, Orders, and Regulations shall immediately after the issuing of the same be laid before the Lord Chancellor, the Chief Justice of the Court of Queen's Bench, the Chief Justice of the Court of Common Pleas, the Chief Baron of the Exchequer, the Lords Justices, and the Master of the Rolls; and if they or the Majority of them shall, within *One Calendar Month* after such Rules, Orders, and Regulations shall have been laid before them, declare by Order in Writing that such Rules, Orders, or Regulations, or any of them, ought not to remain in force, then and in such Case the same Rules, Orders, and Regulations, or such of them as shall be so objected to, shall from and after such Order be abrogated and cease to be binding; and in the meantime, and until altered or varied by any such Rule or Order as last aforesaid, the Pleadings or Statements of the Cause of Action or Suit or Claim, and of the Defence, shall be in a simple and intelligible Form, and may be to the following Effect:

A.B. claims Probate of the Will [and of a Codicil (*or* Two Codicils)] of *X.Y.*, late of   deceased, which the said *A.B.* alleges to have been duly executed and attested.

C.D., (One of the next of Kin) (*or* Heir-at-Law) of *X.Y.* deceased, denies the Right of *A.B.* to Probate of the said alleged Will (*or* Codicils), and avers that the said *A.B.* at the Time of the alleged Execution thereof was of unsound Mind, and incompetent to make a Will [*or* that the said alleged Will was not duly attested according to Law] [*or* that the said alleged Will was not executed by the said *X.Y.*] *as the Case may be.*

County Court Jurisdiction.

LXXXIX. If the whole Estate, Real and Personal, of which any deceased Person shall have died possessed in his own Right, shall be under the Value of Three hundred Pounds, the Judge of the County Court of the District in which such deceased Person shall have died shall have the same Jurisdiction as the Court to grant Probate as to all Causes and Matters Testamentary in relation to the Will, the Estate, and the Effects of such deceased Person, and may grant and revoke Probate and Certificates of Intestacy and Letters of Administration in like Manner as the Court; and the Judge of the County Court, in all such Causes and Matters, shall have the like Jurisdiction and Powers as such Judge possesses as to all Matters and Things within the Jurisdiction of the County Court, and such Judge shall have Power, for any Trial of any Matter or Cause Testamentary, to summon and compel Attendance of Persons qualified to serve as Special Jurors, to be Jurors in the said County Court, and which said Jurors shall be paid the same Sums for their Attendance as other Jurors who attend in the said County Court, and no more; and such Persons so summoned may be fined, at the Discretion of the Judge, for Non-attendance: Provided always, that the Judge of any County Court may, upon the Motion of either Party in any such Cause or Matter Testamentary, if he shall be of opinion that the same cannot be fairly or conveniently tried in his Court, order and cause the same to be tried in the County Court of any other District by the Judge of such County Court that he may appoint for that Purpose; and the Judge of any County Court may from Time to Time, and as often as to the said Judge shall seem fit, subject to any Rules or Orders which may from Time to Time be made in that Behalf, grant and direct a new Trial of any Question, and such new Trial shall take place in the same Manner as the First Trial, and be of the same Force and Effect; and upon Application for any new Trial the said Judge may make such Order as to Costs as to him shall seem fit; and any Party who shall be dissatisfied with the Direction of such Judge in point of Law, or upon the Admission or Rejection of Evidence, may appeal in the same Manner as is provided by the Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Thirty-one.

Judges of present Ecclesiastical Courts and others, on Order of Judge, to transmit all Wills, &c. in their Possession to Testamentary or District Office.

XC. The acting Judge and Registrar of every Court or Person or Body Politic or Corporate now having or exercising Jurisdiction to grant Probate or Administration, or other Person or Persons having the Custody of the Documents and Papers of or belonging to such Court or Person or Body Politic or Corporate, shall, upon an Order being made by the Judge for that Purpose, and at the Times and in the Manner mentioned in such Order, transmit all Wills, Administration Bonds, Notes of Administration, Court Books, Calendars, Papers, and Documents appertaining exclusively to such Jurisdiction, if such Jurisdiction was not exercised within any District established by this Act, to the Testamentary Office, to be there deposited, and if within any One or more of such Districts, to the Registrar of the District within the local Limits of which the Place of Registry of the Documents of such Court or Person or Body Politic or Corporate is situate, to be deposited in the Office of such District.

Penalty for Default.

XCI. Any Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Wills, Administration Bonds, Notes of Administration, Court Books, Calendars, Papers, and Documents,

ments, or any of them, shall be liable to a Penalty of *One hundred Pounds*, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts of Law at Westminster.

Power to Lord Chancellor to arrange temporary Custody of Wills, &c.

XCII. It shall be lawful for the Lord Chancellor to cause such Arrangements to be made as he shall think fit, with any Person, Body Politic or Corporate, for or with respect to the temporary Custody of the Wills, Administration Bonds, Notes of Administration, Court Books, Calendars, Papers, and other Documents appertaining to the Jurisdiction of any Court or Person or Body Politic or Corporate now having or exercising Jurisdiction to grant Probate or Administration, or for or with respect to the temporary Custody of any Part or Portion of such Documents until the same shall be required to be deposited in the Testamentary or District Office.

Appointment of temporary Officers.

XCIII. In case any Registrar or other Officer appointed or to be appointed by virtue of this Act shall, by reason of Ill-health or other Infirmity, become temporarily incapable of performing the Duties of his Office, or shall for any other reasonable Cause, to be allowed by the Judge, apply to be relieved from the Discharge of the Duties thereof for a certain Time only, it shall be lawful for the Judge to appoint some fit and proper Person to discharge the Duties of such Office for any Period not exceeding *Six* Calendar Months at any One Time; and the Person so appointed shall during such Period have all the Power and Authority of the Registrar or other Officer in whose Place he shall be so appointed, and shall be paid by such Registrar or other Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, to be approved of by the Judge.

Power to Judge to direct Registrars to discharge the Duties of Principal Registrar during Vacation, &c.

XCIV. It shall also be lawful for the Judge to authorize and direct One of the Registrars of the Court to discharge the Duties of the Principal Registrar during Vacations, or during the temporary or occasional Absence of the Principal Registrar; and the Registrar so authorized and directed to discharge such Duties shall during Vacations or such temporary Absence as aforesaid have all the Power and Authority of the Principal Registrar.

Power to Judge to remove any Officer appointed under this Act engaging in any other Employment.

XCV. If any Person hereby appointed to any Office under this Act, or any Person who shall accept any Office under this Act, shall engage in any other Employment whatever except an Appointment to act as Solicitor in respect of Common Form Business, whilst he holds such Office, or if such Person, being or having been a Proctor or Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Judge, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the Court.

Proctors, Solicitors, &c. appointed to any Office under this Act to cease to be Proctors, and be struck off the Rolls, as the Case may be.

XCVI. Every Proctor hereby appointed to any Office under this Act, and, except as aforesaid, every Proctor, Attorney, or Solicitor who shall be appointed to and shall accept any Office under this Act, shall cease to practise as a Proctor or Attorney or Solicitor, and shall forthwith procure himself to be struck off the List of Proctors or off the Roll of any of Her Majesty's Courts at Westminster on which his Name may be.

Saving existing Employments.

XCVII. Notwithstanding the Provisions herein-before contained, it shall be lawful for any Person who shall for the Space of *Two* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six have acted as Registrar or Deputy Registrar in any Ecclesiastical Court in England or Wales, and shall also have practised as an Attorney or Solicitor, or been engaged in any other Employment, and who shall accept the Office of District Registrar under this Act, to continue in such other Employment, and to practise as such Attorney or Solicitor, provided that such Person shall not directly or indirectly act as Solicitor in any Business to be transacted in the District Office of which he is Registrar.

Registrars, &c. to have Power to administer Oaths.

XCVIII. The Principal Registrar, Registrars, District Registrars, and Commissioners for that Purpose appointed and to be appointed under this Act shall respectively have full Power to administer Oaths; and any Person swearing before any such Principal Registrar, Registrars, District Registrars, or Commissioners shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing as if the Matter sworn had been sworn before any Officer of Her Majesty's Superior Courts of Law at Westminster now authorized to administer Oaths.

Forging or counterfeiting Seal of Court or Signature of Officers.

XCIX. If any Person shall forge the Signature of any of the Registrars, District Registrars, or Commissioners, or of any Persons temporarily appointed as aforesaid, or shall forge or counterfeit any Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, or shall tender in Evidence any Document with a false or counterfeit Signature of any such Registrar, District Registrar, or Commissioner or other Person, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall,

Penalty.

upon Conviction, be liable to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour.

This Act not to affect the StampDuties on Probates and Administrations.

C. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates of Wills and Letters of Administration; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on the Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted; provided that in estimating the Duty payable upon any Probate or Administration the Value of the Real Estate of the Deceased shall not be included, and in Cases of Wills operating on Real Estate only no Probate Duty shall be payable.

The Registrar to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

CI. The Principal Registrar and District Registrar shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue or their proper Officer the following Copies respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and of the Affidavit with the Schedule thereto required by Section Fifty of this Act, and in the Case of Letters of Administration without a Will annexed, a Copy of such Affidavit and Schedule, and in every Case of Letters of Administration a Copy or Extract thereof, upon Payment for all such Copies of such Sum or Sums of Money or at such Rate as the Judge shall, with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time direct.

Trials, Pleadings, Practice, and Procedure in Causes Matrimonial.

CII. As to Causes and Matters Matrimonial, the Court shall have Jurisdiction to hear and determine all Causes and Matters Matrimonial over which any Ecclesiastical Court in England or Wales now has Jurisdiction, and shall proceed upon such Principles, as nearly as may be, as are now acted upon by such Ecclesiastical Courts; and the Court shall have the like Power, subject to the like Conditions and Qualifications as herein provided in Matters Testamentary, to make Rules, Orders, and Regulations as to Pleading, Practice, and Procedure;

and in the meantime, and unless and until varied or altered by such Rules, Orders, or Regulations, the Pleadings or Statements of the Cause of Action or Suit, and of the Answers and Defences, shall be in a simple and intelligible Form; and the Court shall have Power to hear all Causes Matrimonial, in public or in private, at its Discretion, and to summon and examine all Parties and Witnesses, by Word of Mouth in open Court or upon Interrogatories, or by Commission if such Parties be sick or unable to attend, or abroad or absent, and may try Causes before Juries, or direct Issues at the Assizes, and cause and compel the Attendance of Jurors, and grant new Trials, and otherwise proceed in like Manner as herein provided in relation to Matters Testamentary.

General Provisions.

Judge to prepare Table of Fees to be taken by Officers of Court, with Power to vary the same as he may think fit, and to publish same in Gazette.

CIII. It shall be lawful for the Judge and he is hereby required to prepare or cause to be prepared, before the Time appointed for the Commencement of this Act, a Table of Fees, specifying what Fees are proper to be demanded and taken by the Officers of the Court; and he is hereby empowered from Time to Time to add to, reduce, alter, or amend the same as he may deem necessary and proper, and to cause the same to be inserted and published in the London Gazette; and no other Fees than those specified and allowed in such Table of Fees shall under any Pretence whatsoever be demanded or taken by such Officers.

No other Fees to be taken.

No Officer to retain for his own Use any Fees;

CIV. No Officer of the Court shall be entitled to receive or retain for his own Use any Fee or Reward whatsoever; and if any Officer of the Court shall, for anything done or pretended to be done relating to his Office, Situation, or Employment, or under colour of doing anything relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or permit or allow any Person whatever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or any Thing of Value, other than his Salary, or what is allowed or directed to be taken by him under this Act or any Order to be made under this Act, the Person so offending, when duly convicted, shall forfeit and pay the Sum of *Five hundred Pounds*, and shall be removed from any Office, Situation, or Employment he may hold in the Court, and shall be rendered and he is hereby rendered incapable of ever thereafter holding any Office, Situation, or Employment in the Court, or otherwise serving Her Majesty, Her Heirs or Successors.

or accept Gratuity.

Penalty.

Prosecution of Offenders.

CV. Any such Offender may be prosecuted, either by Information at the Suit of Her Majesty's Attorney General, or by Criminal

Information before Her Majesty's Court of Queen's Bench, or by Indictment.

Fees not to be paid in Money, but by Stamps.

CVI. None of the Fees payable to the Officers of the Court, except as herein-after mentioned, shall be received in Money, *but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that it shall be lawful for the Judge to order that any Fees which it may appear to him cannot conveniently be collected by Stamps may be received in Money.*

So much of the Suitors in Chancery Relief Act as applies to the Collection of Fees by Stamps incorporated; except that separate Accounts be kept.

Commissioners of Inland Revenue to retain Expenses, &c., and pay Residue into Bank of England, to an Account "The New Court Fee Fund Account."

CVII. All the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "An Act for the Relief of Suitors "of the High Court of Chancery," and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply, so far as the same can be made applicable thereto, to the Fees to be received under the Provisions of this Act, save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under the Provisions of any Orders to be made under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoiled Stamps, and after such Deduction they shall from Time to Time and in such Manner as the Judge shall by any Order direct, pay the same into the Bank of England, to be placed to an Account there to be entitled "The New Court Fee Fund Account," and in the Names of the Principal Registrar and such Two other Registrars of the Court as the Judge shall from Time to Time appoint.

Fees to be paid to the same Account.

CVIII. Such of the Fees payable to the Officers of the Court as shall be directed by the Judge to be collected in Money shall, at such Times and in such Manner as shall be directed by the Judge, be paid into the Bank of England to the Credit of the said Account to be entitled "The New Court Fee Fund Account."

Acts relating to Stamps under Commissioners of Inland Revenue incorporated.

CIX. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall, so far as the same are applicable, and consistent with the Provisions of this Act, in all Cases not hereby expressly provided for, be of full Force and Effect with *respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.*

Power to Judge to provide Offices, &c.

CX. It shall be lawful for the Judge, by any Order or Orders to be from Time to Time made for that Purpose, with the Consent of the Commissioners of Her Majesty's Treasury, to order Payment, at such Times and in such Manner as he shall think fit, out of the said Fund called the "New Court Fee Fund Account," of all such Sums as shall appear to him to be reasonable and proper to be paid for providing suitable Rooms and Buildings in which the Business of the Court, the Testamentary Office, and the District Offices may from Time to Time be carried on, and the original Wills and other Documents to be deposited in such Offices to be properly preserved, and for keeping Order, and for the Care and Cleaning of all such Rooms and Buildings, and for the Rent, Taxes, Rates, Insurance from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for the Enlargement, Alteration, or Improvement, Repairs, furnishing and fitting-up of the same, and for the temporary Custody of such Wills, Administration Bonds, Notes of Administration, Court Books, Calendars, Papers, and Documents as aforesaid, and for the Books and Stationery which may be required for the Business of the Court, and the Testamentary Office and District Offices, and the Officers thereof, and for the making, writing, printing, counting, and examining official Documents and Records of the Court and Offices, and other Copies of such Documents and Records, and for Coals and Candles and other necessary Articles for the Offices, and for all other necessary Expenses relating thereto.

Salaries of Officers.

CXI. There shall be paid to the several Officers named in Schedule (C.) to this Act the several Salaries or yearly Sums set opposite to their respective Names or Titles in the same Schedule, and to such other Officers, Clerks, Servants, and Messengers appointed or to be appointed by or under the Provisions of this Act, such Salaries, yearly Sums, or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct; provided that it shall be lawful for the Lord Chancellor and the Judge, with the Consent of the said Commissioners, from Time to Time to order an Increase of Salary to be paid to any One or more of the District Registrars, such Increase not to exceed the Sum of Pounds in any One Case.

Power to the Judge to remove any Officer becoming infirm or incapable, and to limit retiring Allowance.

CXII. It shall be lawful for the Judge, by Order, to remove any Officer or Person attached to or employed in the Testamentary Office or District Offices of the Court who shall be afflicted with any Infirmity which shall disable him from the due Execution of his Office, and who shall refuse to resign or become incapable of resigning the same, and upon such Removal to order to be paid to such Officer or Person so removed an Annuity or retiring Allowance not exceeding *Two Third* Parts of the yearly Sum or Salary to which he shall be entitled at the Time of his Removal.

Mode of compensating retiring Officers, &c.

CXIII. It shall be lawful for the Judge, by any Order made on a Petition presented to him for that Purpose, to order, if he shall think fit, to be paid to any Person holding any Office or Appointment in the Court or the Offices thereof who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall have continued in any Office or Offices of the Court for *Twenty* Years, and shall be desirous of resigning the same, a Superannuation Allowance; and thereupon such Officer or Person shall be entitled to receive such Superannuation Allowance, not exceeding *Two Thirds* of his Salary, as the Judge, with Consent of the Commissioners of Her Majesty's Treasury, shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the Judge and the Commissioners shall take into consideration the whole Period during which any such Officer or Person shall have been permanently employed in any Office or Situation in the Court or any of the Offices thereof: Provided always, that as to such of the said Officers as shall have been previously Officers of or employed in the Prerogative Court or in some Ecclesiastical Court, the Time during which they shall have been so employed shall for the Purposes of this Clause be deemed and taken as Part of the Time during which they shall have continued to be Officers of the Court: Provided also, that the Judge shall in every such Order state the Cause for making the same, and shall cause a Copy of such Order to be laid on the Table of the Commons House of Parliament within *Fourteen* Days after the making of the same, if Parliament be then assembled, and if Parliament shall not then be assembled, then within *Fourteen* Days next after the meeting thereof.

Proviso.

Proviso.

Compensation.

CXIV. And whereas by the Abolition of the present Mode of Procedure in Matters Testamentary and Matrimonial the Judges and Deputy Judges, Registrars and Deputy Registrars, and other Persons holding Office in the Ecclesiastical Courts, who are lawfully entitled to receive certain Salaries, Fees, and Emoluments payable in respect of the Transaction of Business in Matters Testamentary, will be wholly deprived thereof, and it is reasonable and fit that Compensation should be made to such Persons in respect of such Losses: Be it therefore enacted, That it shall be lawful for every such Judge, Deputy Judge, Registrar, Deputy Registrar, and other Person to claim Compensation in respect of such Salaries, Fees, and Emoluments from the Commissioners of Her Majesty's Treasury, within *Six* Months from the Time when this Act shall come into operation; and it shall be lawful for the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, and in such Manner as they shall think fit, to inquire into the Nature of the Office, and what was the Tenure, and what was the clear annual Amount, on an Average of *Five* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six, of the lawful Salaries, Fees, and Emoluments in respect of which Compensation shall be so claimed, and to require the Production of such Evidence as they shall think fit; and the said Commissioners of Her Majesty's Treasury shall have regard to the Fact whether such Office shall have been exercised jointly or by Deputy, in which Case any joint Holder of the said Office, or the Person performing the Duties of the Office by Deputy, shall be entitled to make claim in respect of the Salary, Fees, and Emoluments actually received by him under or by virtue of any Arrangement entered into with the other joint Holder or the Deputy, as the Case may be; and the Commissioners of Her Majesty's Treasury shall allot to such Officers, joint Holders of Offices, and Deputies, and other Persons, such Sums or annual Sums in respect of their several Claims respectively, on an Average of *Five* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six, as to them shall seem just; provided that in no Case shall any such Officer, joint Holder of an Office, or Deputy be entitled to receive any such Compensation unless he shall have held such Office, joint Office, or Deputyship for the Space of *Two* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six; and provided also, that every such Officer, joint Holder of an Office, or Deputy who shall have held such Office, joint Office, or Deputyship for more than *Two* Years but less than *Six* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six shall be entitled to *One Half* only of the Amount of Emolument so enjoyed by him as aforesaid, to be computed on the Average of the whole Time during which he shall have held such Office; provided also, that any Person having been a Deputy, and afterwards appointed a Principal, shall not be deprived of the Right to claim Compensation if he shall have held the Two Appointments continuously for the Periods of Time above mentioned.

Proctors.

CXV. And whereas it is apprehended that the Fees or Emoluments of the Persons now practising as Proctors in the several Ecclesiastical Courts will be materially curtailed by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in the Ecclesiastical Courts in Matters Testamentary: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into and ascertain the net annual Amount of the Profits arising from Matters Testamentary made by such Proctors, on an Average of *Five* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six, or of such Proportion of *Five* Years as shall have elapsed since such Proctor was admitted to practise in such Courts in respect to Matters Testamentary, and to award to every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as the said Commissioners shall deem to be equitable; provided that such Sum of Money or Annuity so awarded shall not exceed in Value *One Half* of the net Profits derived by such Proctor in respect of the Matters aforesaid upon the said Average of *Five* Years immediately preceding the First Day of January One thousand eight hundred and fifty-six, or of such Proportion of the said *Five* Years as shall have elapsed since the Admission of such Proctors to practise in the Ecclesiastical Courts; provided also, that no Proctor now practising in the Courts at Doctors Commons, who shall be admitted as a Solicitor pursuant to the Provisions of this Act, and shall be appointed to act as a Solicitor in respect of the Common Form Business in the Court, shall be entitled to any such Sum of Money or annual Payment.

Compensation to Proctors in Partnership.

CXVI. And whereas divers Proctors practising in Ecclesiastical Courts now are or may at the Time of this Act coming into operation be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall award Compensation in respect thereof, as herein-before provided, to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, regard being had to the existing Terms and Conditions of the same.

Compensation to Judge of Prerogative Court.

CXVII. There shall be awarded to the Judge of the Prerogative Court, by way of Compensation, an annual Sum equal in Amount to the net annual Value of the lawful Fees and Emoluments of his Office, according to such an Average prior to the Time of this Act coming into operation as the said Commissioners of Her Majesty's Treasury shall think proper, and such annual Sum shall be payable to him during his Life.

Persons appointed to Offices not to receive Compensation while holding such Offices, &c.

CXVIII. If any Person entitled under this Act to make such Claim for Compensation as aforesaid is or shall be appointed to any Office or Employment under this Act, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended if the Amount of such Salary or Emoluments be equal to or greater than the Amount of such Compensation, and if such Salary or Emoluments be less than the Amount of such Compensation such Person shall be entitled to receive the Difference existing between the Amount of such Salary or Emoluments and the Amount of such Compensation and no more.

Clause for Protection of the Interest of the Right Hon. Charles Viscount Canterbury.

CXIX. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act to authorize the Lord Archbishop of Canterbury for the Time "being to appoint a Person or Persons to the Office of Registrar of "his Prerogative, without a previous Surrender of the existing Grant "or Grants of the said Office," after reciting (among other things), that by virtue of a Grant of the Most Reverend John then late Archbishop of Canterbury, dated the Sixth Day of December One thousand seven hundred and ninety-nine, the Reverend George Moore and the Reverend Robert Moore then held the said Office, it was enacted, that it should be lawful for the Archbishop of Canterbury for the Time being and from Time to Time (nevertheless with the Confirmation of the Dean and Chapter for the Time being of the Cathedral and Metropolitical Church of Christ, Canterbury, to be testified as therein mentioned), notwithstanding any existing Grant or Grants for the Time being of the said Office, and without any previous Surrender of such existing Grant or Grants, to grant the said Office to any One Person for his Life, or to Two Persons for their Lives and the Life of the Survivors of them, so nevertheless that there should not be altogether more than Three Lives in the said Office at one and the same Time, and each of the Grants thereby authorized should take effect so as to be subject and without Prejudice to the Estates and Interests, Rights and Privileges, as well of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said recited Grant, as of all and every other Grantee or Grantees of the said Office for the Time being, by virtue of any then existing Grant or Grants, and each of the Grants thereby authorized should have Priority respectively and successively over every subsequent Grant of the said Office: And whereas the Most Reverend

Charles late Archbishop of Canterbury did, by virtue of the Power given by the last-recited Act, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said Grant of the Sixth Day of December One thousand seven hundred and ninety-nine: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An "Act for settling and securing Annuities on the Right Honourable "Charles Manners Sutton and on his next Heir Male, in consideration "of the eminent Services of the said Right Honourable Charles "Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and to be paid to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and should commence from the Time therein mentioned, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand Pounds should be payable out of and charged upon the said Consolidated Fund, to be paid to the then Heir Male of the Body of the said Charles late Viscount Canterbury during the natural Life of such Heir Male; and after reciting, that the said Charles now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Body of the said Charles late Viscount Canterbury, stood possessed of a contingent beneficial Interest in the Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, it was further enacted, that in the event of the said Charles now Viscount Canterbury having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, and to the Fees, Perquisites, Profits, and Emoluments thereof, (provided the same should exceed the annual Sum of Three thousand Pounds,) then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine, and be no longer payable to the said Charles now Viscount Canterbury; provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said

Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar: Be it therefore enacted as follows: There shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, an Annuity, to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper, and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount Canterbury shall then be in possession of the said Office, and if not then from the Time at which the said Charles Viscount Canterbury would have become entitled but for the passing of this Act to the full Possession of the said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the said Charles Viscount Canterbury shall from and after the Commencement of the said Annuity by way of Compensation cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury, out of the said Consolidated Fund, of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall from and after the Commencement of the said Annuity by way of Compensation be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

The Registry of Prerogative Court of Canterbury to vest in Registrar of the Court.

CXX. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or is entitled to in respect of the Building at present used as the public Registry of the Prerogative Court shall at the Time appointed for the Commencement of this Act vest in the Principal Registrar for the Time being of the Court, subject to the Payment of such Rents and the Performance and Fulfilment of such Contracts in respect thereof as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting.

Compensation to Rev. R. Moore for Building.

CXXI. In lieu of and Compensation for such Claim, Title, and Interest as aforesaid, the said Robert Moore, his Executors or Administrators, shall be entitled to receive, out of the Fund herein-after provided in that Behalf, such Sum or Sums of Money and in such Instalments as shall be agreed upon by Two competent Persons, one of whom shall be appointed by himself, his Executors or Administrators, and the other by the Commissioners of Her Majesty's Treasury, and in case such Persons disagree they shall appoint a Third, whose Award shall be final.

How Compensation to be paid.

CXXII. The Compensation payable to the Reverend Robert Moore, Clerk, in respect of such Claim, Title, and Interest as aforesaid in or in respect of the said Building at present used as the public Registry of the Prerogative Court, shall be paid to the said Robert Moore, his Executors or Administrators, out of the Account to be entitled "The New Court Fee Fund Account."

Time of Payment of Salaries, &c.

CXXIII. All Salaries, Compensation Allowances, and Superannuations or retiring Allowances shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto out of the Account to be entitled "The New Court Fee Fund Account," by virtue of any Order or Orders of the Lord Chancellor to be made from Time to Time for that Purpose.

Power to Lord Chancellor to order Surplus of "The New Court

CXXIV. If at the End of any Year there shall be a Surplus standing to the Credit of the said Account "The New Court Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, it shall be lawful for the Lord Chancellor, by any Order, to direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, *it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized and required to direct the Amount of such Deficiency to be charged upon and paid out of the said Consolidated Fund.*

Fee Fund" to be paid into the Exchequer.

If Fund insufficient to defray Salaries, &c., Commissioners of the Treasury to provide for same.

CXXV. In citing this Act in other Acts of Parliament, or any Instrument, Document, or legal Proceeding, it shall be sufficient to use the Expression "The New Court Jurisdiction Act, 1856."

Short Title.

CXXVI. This Act shall not extend to Scotland or Ireland.

Limit of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Affidavit and Schedule.

If in District Office, add "District Office of" (as the Case may be).

In Her Majesty's Court .

In the Matter of the Estate of *A.B.*, deceased.

I, *C.D.*, (*a*) of the Person [*or* One of the Persons] applying for Probate [*or* Administration] of the (*b*) late of deceased, make Oath (*c*) and say as follows :

1. The said *A.B.* died on or about the Day of One thousand hundred and at (*d*) [and at the Time of his Death had a fixed Place of Abode in the District of].

2. The Personal Estate and Effects of the said Deceased which he any way died possessed of or entitled to, and for or in respect of which Probate [*or* Administration] is to be granted, exclusive of what the said Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons and not beneficially (*e*)

and without deducting anything on account of the Debts due and owing from the said Deceased, are under the Value of Pounds, to the best of my Knowledge, Information, and Belief.

3. The Schedule hereunto annexed, to which I have set and subscribed my Name, contains, to the best of my Knowledge, Information, and Belief, the Nature and Description of the said Personal Estate and Effects.

Sworn at ,
Before me .

(*a*) Insert the Names and Residences and the Titles or Professions of the Persons making the Affidavit.

(*b*) Insert the Nature of the Grant and Description of the Deceased.

(*c*) In case of Quakers, solemnly affirm.

(*d*) Insert Place of Death, or set forth the Reason why the same cannot be furnished.

(*e*) Insert as to Leasehold Estates (if any).

(*f*) If no Leasehold Estates, insert so here.

SCHEDULE OF PERSONAL ESTATE.

	Value.
	£ *s.* *d.*
Household Goods, Linen, Wearing Apparel, Books, Plate, &c. at [*State where situate.*]	
Stock in Trade, Farming Stock, and Implements of Husbandry, at [*State where situate.*]	
Property in the Public Stocks or Funds transferable at the Bank or South Sea House.	
Leasehold Property at [*State where situate.*]	
Property in public Companies [*State what Companies.*]	
Money out on Mortgage and other Securities. [*State what Mortgages or other Securities.*]	
Other Personal Property not comprised under the foregoing Heads. [*State the Nature and Description.*]	

SCHEDULE (B.)

FORM OF PROBATE.

In Her Majesty's Court .

BE it known, That on the Day of 18 , the last Will and Testament of *A.B.*, late of deceased, hereunto annexed, was proved and registered in Her Majesty's Court of Probate, and that the Administration of all and singular the Goods, Chattels, and Credits of the said Deceased, and any way concerning his Will, was granted by the Court to *C.D.* the

If in District Office, add "District Office of" (as the Case may be).

the sole Executor named in the said Will, he having been already sworn well and faithfully to administer the same, and to make a true and perfect Inventory of all and singular the said Goods, Chattels, and Credits, and to exhibit the same into the Testamentary Office of the said Court, or into the District Office of the said Court at [*as the Case may be*], on or before the Day of 18 , and also to render a just and true Account thereof.

Sworn under Pounds, and
that the Testator died at
in the County of
on the Day of
18 .

[*Signature of Registrar or District Registrar.*]
(L.S.)

FORM OF LETTERS OF ADMINISTRATION.

If in District Office, add "District Office of" (as the Case may be).

In Her Majesty's Court .

BE it known, That on the Day of 18 , Letters of Administration of the Goods, Chattels, and Credits of *A.B.*, late of deceased, who died intestate, were granted by Her Majesty's Court of Probate to *C.D.* of the Widow of the said Intestate, she having been already sworn well and faithfully to administer the same, and to make a true and perfect Inventory of all and singular the said Goods, Chattels, and Credits, and to exhibit the same into the Testamentary Office of the said Court, or into the District Office of the said Court at [*as the Case may be*], on or before the Day of 18 , and also to render a just and true Account thereof.

Sworn under Pounds, and
that the Intestate died at
in the County of
on the Day of
18 .

[*Signature of Registrar or District Registrar.*]
(L.S.)

SCHEDULE (C.)

	Annual Salary £
The Principal Registrar - - - -	
The Registrars, each - - -	
The District Registrars, each - - -	

SCHE-

SCHEDULE (D.)

DISTRICTS and PLACES of DISTRICT OFFICES throughout ENGLAND and WALES.

Districts.	Places of District Offices.	Districts.	Places of District Offices.
County of Northumberland (*a*)	Newcastle-on-Tyne.	County of Norfolk (*h*)	Norwich.
County of Durham	Durham.	County of Suffolk and North Division of the County of Essex.	Ipswich.
Counties of Cumberland and Westmoreland.	Carlisle.	County of Bedford and Southern Division of Northamptonshire. (*i*)	Northampton.
West Riding of the County of York. (*b*)	York.	Counties of Warwick (*k*) and Stafford. (*l*)	Lichfield.
North Riding ditto	Richmond.	Counties of Radnor, Brecknock, Hereford, and Monmouth.	Hereford.
East Riding ditto (*c*)	Hull.	Counties of Cardigan, Carmarthen (*m*), Pembroke (*n*), Glamorgan.	Carmarthen.
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester.	Lancaster.	Counties of Worcester (*o*) and Gloucester (*p*), except Bristol District.	Gloucester.
City of Manchester and Hundred of Salford.	Manchester.	Bristol and Bath County Court Districts.	Bristol.
Hundred of West Derby in Lancashire, County of Cheshire. (*d*)	Chester.	Counties of Oxford (*q*), Berks, Bucks.	Oxford.
Counties of Flint, Denbigh, Carnarvon, Anglesea.	Bangor.	County of Somerset, except Bath District.	Bridgewater.
Counties of Derby and Nottingham. (*e*)	Nottingham.	County of Devon (*r*)	Exeter.
County of Leicester	Leicester.	County of Cornwall	Bodmin.
County of Lincoln (*f*)	Lincoln.	County of Wilts	Salisbury.
Counties of Salop, Merioneth, Montgomery.	Shrewsbury.	County of Dorset (*s*)	Blandford.
Counties of Rutland, and Northern Division of Northampton, and Counties of Huntingdon and Cambridge. (*g*)	Peterborough.	County of Hants (*t*)	Winchester.
		County of Sussex (*u*)	Lewes.
		East Division of the County of Kent. (*v*)	Canterbury.

(*a*) Including the Towns and Counties of Newcastle-on-Tyne and Berwick-upon-Tweed.
(*b*) Including the City of York and Ainsty.
(*c*) Including the Town and County of Kingston-on-Hull.
(*d*) Including the City of Chester.
(*e*) Including the Town of Nottingham.
(*f*) Including the City of Lincoln.
(*g*) Including the University of Cambridge.
(*h*) Including the City of Norwich.
(*i*) Including the Town of Northampton.
(*k*) Including the City of Coventry.
(*l*) Including the City of Lichfield.
(*m*) Including the Town of Carmarthen.
(*n*) Including the Town of Haverfordwest.
(*o*) Including the City of Worcester.
(*p*) Including the City of Gloucester.
(*q*) Including the University of Oxford.
(*r*) Including the City of Exeter.
(*s*) Including the Town of Poole.
(*t*) Including the Town of Southampton.
(*u*) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.
(*v*) Including the City of Canterbury and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

Testamentary and Matrimonial Jurisdiction.

A

B I L L

To transfer to a distinct Court the Testamentary and Matrimonial Jurisdiction of the Ecclesiastical and other Courts, and to amend the Law in relation to Matters Testamentary and Matrimonial.

(*Prepared and brought in by*
Sir FitzRoy Kelly, Lord Stanley, and Mr. George Butt.)

Ordered, by The House of Commons, *to be Printed,*
28 *April* 1856.

[Bill 114.]

Under 6 *oz.*

4 *March* 1856. 19 Vict.

A

BILL

TO

Declare the Effect and Operation of an Act of the Sixth and Seventh Years of King William the Fourth, for regulating Parochial Assessments; and to make Provision for the juster and more uniform Rating of Tithe Commutation Rent-charges to the Relief of the Poor.

WHEREAS Two several Acts were passed in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, intituled, respectively, "An Act to "regulate Parochial Assessments," and "An Act for the Commutation "of Tithes in England and Wales:" And whereas it is expedient to explain and amend the same in certain respects: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

6 & 7 W. 4. c. 96.

6 & 7 W. 4. c. 71.

I. Every Rate for the Relief of the Poor in England and Wales shall be made upon an Estimate of the net annual Value of the several Hereditaments rated thereto, and such net annual Value shall be con-

Rates to be made on the net annual Value.

strued to mean the Rent at which the same might reasonably be expected to let, one Year with another, to a Tenant undertaking to pay all usual Tenants Rates and Taxes, and Tithe Commutation Rentcharges (if any), deducting therefrom the probable average annual Cost of the Repairs and Insurance and other Expenses (if any) necessary to maintain them in a State to command such Rent, anything to the contrary in the said Act notwithstanding.

Tithes, &c. rateable Hereditaments.

II. And whereas by the secondly-recited Act it was amongst other things enacted, that "every Rentcharge payable instead of Tithes "should be subject to all parochial and other Rates, Charges, and "Assessments, in like Manner as the Tithes commuted for such "Rentcharge had theretofore been subject:" And whereas Doubts have arisen whether Parsons and Vicars, as such, are rateable under the Provisions of the said firstly-recited Act as Occupiers of Tithes Impropriate and Propriations of Tithes; and Doubts have also arisen with respect to the Nature and Extent of the Allowances or Deductions which ought justly to be made in estimating the net annual Value of Tithes and Tithe Commutation Rentcharges, and other Payments in lieu of Tithes, for the Purpose of rating the same respectively towards the Relief of the Poor; and it is expedient to remove all the aforesaid Doubts: Therefore all Tithes and Tithe Commutation Rentcharges and other Payments in lieu of Tithes respectively, whether belonging to a Parson imparsonee, Parson sine curâ, Vicar, or Curate, or whether impropriate or appropriate, are and shall be deemed rateable Hereditaments within the Meaning and Provisions of the said firstly-recited Act, and the Person in perception thereof immediately from the Persons or Lands liable to yield or pay the same or charged thereto respectively is and shall be deemed to be the Occupier, and liable to be taxed as such in respect thereof, in like Manner as any Occupier or Lessee of Lands under the said firstly-recited Act; and in estimating the Rent at which the said Tithes and Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, respectively might reasonably be expected to let one Year with another, there shall be deducted a fair Per-centage from the gross annual Value of the same, due Regard being always had, in estimating the Amount of such Percentage, to the Facility or Difficulty of collecting the several separate Rentcharges or other Payments in lieu of Tithes respectively, and also all usual Tenants Rates and Taxes, and the Land Tax, and the yearly Amount of the First Fruits, Tenths, Procurations, Synodals, and other Ecclesiastical Dues payable thereout, and the probable average annual Cost of any Repairs, and Insurance, whether of Church or Chancel, to which the same Rentcharge may be subject, and also the Amount of the Salary or Stipend of a Curate or Curates, whensoever or wheresoever he or they may be employed by the Occupier of such

Tithes or Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, respectively, and also the Amount of the Principal Sum and Interest, whenever and wherever annually paid to the Governors of Queen Anne's Bounty for Monies borrowed of them, and any other Expenses (if any) necessary to maintain such Tithes or Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, in a State to command such Rent, as if the same were actually let to a responsible Tenant.

Schedule of 6 & 7 W. 4. c. 96. repealed.

III. And whereas the full Amount of the Rentcharge as taken from the Instrument of Apportionment thereof is often mistaken for the Rent at which the same ought to be let, and has been accordingly improperly placed in the Column in the Schedule to the firstly-recited Act headed "Gross Estimated Rental," in consequence whereof the Rentcharge has not been put upon the like Footing with other Hereditaments in ascertaining the Rent thereof: Therefore the said Schedule to the said firstly-recited Act shall be hereby repealed, and the Schedule to this Act annexed shall be substituted in lieu thereof.

Rentcharge not to be subject to the Payment of Rates and Taxes imposed since the Commutation of Tithes.

IV. And whereas certain new Parochial and County Rates and Taxes have been imposed upon the Rentcharge subsequently to the passing of the secondly-recited Act for the Commutation of Tithes, which have diminished the Value of such Rentcharge: And whereas the Rentcharge, which is by that Act fixed and unimproveable, has notwithstanding been charged with various Parochial and County Rates and Taxes, in like Manner with other Hereditaments for the Improvement of which the said Rates and Taxes have been imposed: Therefore the Rentcharge shall not be assessed to any Rates or Taxes other than those to which Tithes were chargeable previously to the passing of the said Act for the Commutation thereof.

Compulsory on Justices before allowing Rate to inquire into the Accuracy of the making thereof.

V. And whereas Doubts have also arisen as to the Power of the Justices to investigate into the accurate making of the Rate before allowing the same: Therefore it shall be the Duty of every Justice, before allowing any Rate made for the Relief of the Poor, to inquire and demand of the Churchwardens and Overseers so bringing such Rate for Allowance, whether the Rate on the several Hereditaments mentioned therein has been made upon a fair, uniform, and equitable Estimate of the net annual Value of each Hereditament rated thereunto; and if it shall be made to appear to the Justices at any General, Special, or Petty Sessions assembled, before whom any Rate shall be brought, either for Allowance or on Appeal, that the Overseers, Churchwardens, or other Officers whose Duty it shall have been to make the said Rate, have not used their best Endeavours and all due Diligence to make the same, and to ascertain and set forth therein all the Particulars which are required to be set forth by the said Act, and are specified in the Schedule hereto annexed, as fully, truly, and correctly as Circumstances would permit, the said Justices may, at their Discretion, refuse to allow the said Rate; and the said Overseers, Churchwardens, or other Officers shall each and every of them be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction for the same before a Justice of the Peace.

Penalty not exceeding 5*l.* on Overseers for false Declaration.

Valuation Lists to be open to Inspection.

VI. The Valuation Lists now in force and any future Valuation Lists which may be made in any Parish or Place upon which any Person or Persons is, are, or shall be rated to the Relief of the Poor, or towards any County Rate or Borough Rate, shall at all seasonable Times be open to the Inspection of every such Person so rated, without any Fee being demanded for such Inspection, and all such Persons shall be entitled at all seasonable Times to take Copies or Extracts from the said Valuation Lists, without paying any Fee for the same; and such Valuation Lists shall be produced by the Overseers, Churchwardens, or other Officers in whose Custody the same shall be for the Time being, before the Justices at the General Special or Petty Sessions, wherever any Rate shall be brought before them either for Allowance or on Appeal; and in case the Overseers or Churchwardens or other Officers shall refuse to permit such Person or Persons so rated to inspect such Valuation Lists, or to take Copies or Extracts therefrom, or shall neglect to produce the same before the said Justices, the said Overseers, Churchwardens, or other Officers shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*, upon a summary Conviction before a Justice of the Peace.

Commencement of Act.

VII. This Act shall come into operation on the *First Day of January One thousand eight hundred and fifty-seven.*

SCHEDULE to which this Act refers.

Form of Rate.

An Assessment for the Relief of the Poor of the Parish of *Merton* in the County of *Surrey*, and for other Purposes chargeable thereon according to Law, made this *Thirtieth* Day of *March* in the Year of our Lord One thousand eight hundred and *fifty-seven*, after the Rate of *Sixpence* in the Pound.

No.	Arrears due or excused.	Name of Occupier.	Name of Owner.	Description of Property rated.	Name or Situation of Property.	Estimated Extent.	Gross Amount of Rent-charge as commuted.	Gross Annual Value of Rentcharge for 1857.	Gross Estimated Rental.	Rateable Value.	Rate at 6*d.* in the Pound.
	£ s. d.					A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	- -	*James Smith* -	*John Green* -	*Land and Building*	*Whiteacre Farm* -	*40 0 0*	- -	- -	*60 0 0*	*55 0 0*	*1 7 6*
2	- -	*Ditto* - -	*Ditto* -	*House and Garden*	*In West Street* -	*0 1 0*	- -	- -	*30 0 0*	*25 0 0*	*0 12 6*
3	*0 0 7½* *excused.*	*John Poor* - -	*Ditto* -	*House* - -	*In Brick Lane* -	- -	- -	- -	*1 10 0*	*1 5 0*	*0 0 7½*
4	- -	*Rev. John Brown* -	- -	*Rentcharge* - -	- -	- -	*487 0 0*	*432 18 9*	*332 3 6*	*274 1 0*	*6 17 0*

Declaration of Overseers and Churchwardens.

We do declare the several Particulars specified in the respective Columns of the above Rate to be true and correct, so far as we have been able to ascertain them, to which end we have used our best Endeavours.

Thomas Jones, Overseer.
John Thomas, [*Churchwarden, &c.*]

Tithe Commutation Rentcharge.

A

BILL

To declare the Effect and Operation of an Act of the Sixth and Seventh Years of King William the Fourth, for regulating Parochial Assessments; and to make Provision for the juster and more uniform Rating of Tithe Commutation Rentcharges to the Relief of the Poor.

(*Prepared and brought in by*
Mr. Robert Phillimore and Lord Alfred Hervey.)

Ordered, by the House of Commons, *to be Printed,*
4 *March* 1856.

[Bill 62.]

Under 1 *oz.*

11 *June* 1856. 19 Vict.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Declare the Effect and Operation of an Act of the Sixth and Seventh Years of King William the Fourth, for regulating Parochial Assessments; and to make Provision for the juster and more uniform rating of Tithe Commutation Rentcharges to the Relief of the Poor.

[*The Clauses* A. *to* C. *were added by the Select Committee.*]

Preamble.

WHEREAS Two several Acts were passed in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, intituled, respectively, "An Act to "regulate Parochial Assessments," and "An Act for the Commutation "of Tithes in England and Wales:" And whereas it is expedient to explain and amend the same in certain respects: And whereas by the secondly-recited Act it was, amongst other things, enacted, that "every Rentcharge payable instead of Tithes should be subject "to all parochial and other Rates, Charges, and Assessments, in "like Manner as the Tithes commuted for such Rentcharge had "theretofore been subject:" And whereas Inequalities are found to exist in the Mode of estimating the rateable Value of Tithes and

6 & 7 W. 4. c. 96.

6 & 7 W. 4. c. 71.

Tithe Commutation Rentcharges, and other Payments in lieu of Tithes, as compared with the Mode of estimating the rateable Value of other Hereditaments for the Purpose of rating the same respectively towards the Relief of the Poor: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rates to be made on the net annual Value.

I. That in estimating the Amount of Rent at which the said Tithes and Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, respectively might reasonably be expected to let one Year with another, there shall be deducted from the gross estimated Rental of the same such Sum or Sums as will remunerate the Occupier for the Trouble of Collection, and insure him against all Risks, Losses, and Expenses arising from Delay or otherwise incidental to Recovery of the said Rentcharge, also all usual Tenants Rates and Taxes, and the yearly Amount of the First Fruits, Tenths, Procurations, Synodals, and other Ecclesiastical Dues payable thereout, and the probable average annual Cost of any Repairs and Insurance, whether of Church or Chancel, to which the same Rentcharge may be subject, and any other Expenses (if any) necessary to maintain such Tithes or Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, in a State to command such Rent: Provided always, that there shall be also deducted, subject to the Appeal herein-after mentioned, a Per-centage of Ten per Cent. from the gross annual Value of such Tithes or Tithe Commutation Rentcharge, or other Payment in lieu of Tithes, in consideration of the aforesaid Inequalities, before the Deductions herein-before mentioned shall be made.

CLAUSE A.
Where Local Act provides for rating of of Lands, Tithes, &c. to be assessed in the same Proportion.

II. Where by any Local Act it is provided that Land occupied as Arable, Pasture, or Garden Ground shall be liable to be assessed for the Purposes of such Act on a certain fixed Proportion of its net annual Value only, all Tithes, Tithe Commutation Rentcharges, and other Payments in lieu of Tithes, shall for the Purposes of such Act be liable to be assessed in the same fixed Proportion of their net annual Value.

CLAUSE B.
Actual Amount of Rentcharge for the preceding Year to be the Amount to be taken as the gross estimated Rental.

III. And whereas the full Amount of the Rentcharge as taken from the Instrument of Apportionment thereof is often mistaken for the Rent at which the same ought to be let, and has been accordingly improperly placed in the Column in the Schedule to the firstly-recited Act headed "Gross estimated Rental," in consequence whereof the Rentcharge has not been put upon the like Footing with other Herededitaments in ascertaining the Rent thereof: Be it therefore enacted, That the actual Amount of the Rentcharge payable for the preceding Year shall be the Amount to be taken as the gross estimated Rental, instead of the full Amount of the Rentcharge as taken from the Instrument of Apportionment.

CLAUSE C. Justices may disallow the Per-centage.

IV. Provided nevertheless, That if the Overseer of any Parish, having given due Notice to the Person or Persons assessed in respect of the Tithes, Tithe Commutation Rentcharges, or other Payments in lieu of Tithes, in the said Parish, shall at a Special Sessions appointed to hear Appeals, or at some Adjournment thereof, prove to the Satisfaction of the Justices there present that the several Hereditaments, other than the Tithes, Tithe Commutation Rentcharge, or Payments in lieu of Tithes, in the said Parish, have been duly assessed at their net annual Value, in pursuance of the Statute in that Case made and provided, the said Justices shall disallow the said Per-centage, and shall add to the gross annual Value of such Tithes, Tithe Commutation Rentcharge, or Payment in lieu of Tithes, the Amount of Ten per Cent. so deducted as aforesaid; and the Decision of the Justices at the Special Sessions shall be binding and conclusive on the Parties, unless the Person impugning such Decision shall, within Fourteen Days after the same shall have been made, cause Notice in Writing of his Intention of appealing against such Decision, and of the Matter of such Appeal, to be given the Person in whose Favour such Decision shall be made, and within Five Days after giving such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or an Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party or Parties appealing or appealed against as they shall think proper, and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided always, that nothing contained in this Act shall be holden to deprive any Person assessed to Tithes, Tithe Commutation Rentcharge, or Payment in lieu of Tithes, of any Right to appeal to which he is at the present Time entitled.

VI. This Act shall come into operation on the Twenty-fifth Day of March One thousand eight hundred and fifty-seven.

Commencement of Act.

Tithe Commutation Rentcharge.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To declare the Effect and Operation of an Act of the Sixth and Seventh Years of King William the Fourth, for regulating Parochial Assessments; and to make Provision for the juster and more uniform rating of Tithe Commutation Rentcharges to the Relief of the Poor.

(*Prepared and brought in by*
Mr. Robert Phillimore and Lord Alfred Hervey.)

Ordered, by the House of Commons, *to be Printed,*
11 *June* 1856.

[Bill 173.]

Under 1 *oz.*

5 *May* 1856. 19 VICT.

A

BILL

TO

Amend the Act for transferring to Counties in Ireland certain Works constructed wholly or in part with the Public Money.

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-six, "for enabling Grand Juries "in Ireland to borrow Money from private Sources on the Security "of Presentment, and for transferring to Counties certain Works "constructed wholly or in part with Public Money:" And whereas the several Piers, Canal, and Works mentioned in the Schedule to this Act were omitted to be included in the Second Schedule to the said recited Act annexed, and it is expedient to amend the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
16 & 17 Vict. c. 136.

[Bill 128.]

Works mentioned in the Schedule may be transferred to the Counties in which they are situated.

I. It shall be lawful for the Commissioners of Public Works, by and with the Consent and Direction of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works or any Two of them, from Time to Time and at any Time hereafter to direct that any Work mentioned in the Schedule hereto annexed shall be deemed and become the public Property of the County in which the same is situate, and from and after the Date of any such Warrant such Work, together with all Ways, Rights, Members, and Appurtenances thereto belonging, and all Lands held therewith, shall be deemed and taken to be the public Property of such County, and be held, maintained, and preserved by the Grand Jury of the County mentioned in such Warrant in like Manner as any Public or County Road, or Bridge within such County, the Expense of which is or may be chargeable to such County or any Barony thereof.

The Provisions applicable to the Works transferred under 16 & 17 Vict. c. 136. to be applicable to Works transferred under this Act.

II. From and after the Date of any such Warrant, all and every the Enactments and Provisoes in the said recited Acts contained, as regards the several Harbours, Piers, Quays, Landing Places, and other Works in the Second Schedule to said recited Act mentioned, shall be held to apply and be applied to the Work mentioned in the Schedule to this Act annexed, and transferred by such Warrant, in the same Manner as if such last-mentioned Work had been included in the said Second Schedule to the said recited Act annexed.

Extension of the Time within which Money payable under a Final Award of the Commissioners of Public Works may be ordered to be paid.

III. And whereas it is by the said recited Act enacted, that where any Sum of Money under the Final Award of the said Commissioners, already made or thereafter to be made, should be payable by any County and District, or either of them, in respect of Monies advanced by way of Loan for or in respect of any Harbour, Pier, Quay, Landing Place, or other Work, under the Provisions of the Act therein mentioned, the same should be payable by the Grand Jury of such County; and the Secretary of the said Commissioners should certify to the Secretary of such Grand Jury the Amount of such Sum of Money, and the Instalments and Manner by and in which the same was payable under the Award of the said Commissioners; and such Grand Jury are thereby required, without Application to Presentment Sessions, to make Presentment of the Amount mentioned in such Certificate, to be payable at the Times and in the Manner stated in such Certificate, to be raised off the County at large and District, or either of them, as the Case might be; and in default of such Presentment the Court at such or the next Assizes should order the Amount mentioned in such Certificate to be raised off such County and District, or either of them, as the Case might be, and that such Order should have the Force and Effect of a Presentment: And whereas it is expedient that the Time within which it is by the said Act provided that the Court should order the Amount mentioned in any such Certificate to be raised as aforesaid should be extended: In all Cases where the Secretary of the said Commissioners of Public Works shall have heretofore certified or may hereafter certify to the Secretary of any Grand Jury the Amount of Money, and the Instalments and Manner by and in which the same is payable, under the Award of the said Commissioners of Public Works, in respect of any Harbour, Pier, Quay, Landing Place, or other Work, and the Grand Jury of such County shall have made or may make default in presenting the Amount mentioned in any such Certificate, the Court shall at any Assizes hereafter to be held for such County, on an Application on behalf of the Commissioners of Public Works, order the Amount mentioned in such Certificate to be raised off the County or District, or either of them, (as the Case may be,) and such Order shall have the Force and Effect of a Presentment, and the Treasurer of such County shall insert such Amount as shall be so presented or ordered as aforesaid in his Warrant or Warrants, and the same shall be applotted, raised, and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as such Amount as aforesaid shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Paymaster of Civil Services in Ireland for the Time being, and the same shall be by him paid over and applied in such Manner as the Commissioners of Her Majesty's Treasury shall from Time to Time direct in discharge of the Loan mentioned in any such Award, and chargeable to such County and District, or either of them.

IV. That the said recited Act and this Act shall be construed together as One Act.

Recited Act and this Act to be construed together.

SCHE-

SCHEDULE referred to in the foregoing Act.

Where situate.	Pier, Canal, or other Work, as the Case may be.	County in which situate.
Belmullet - - -	Navigable Cut or Canal -	Mayo.
Burrin - - -	Pier - - - - -	Cork.
Ring - - - -	Pier - - - - -	Cork.

Transfer of Works (Ireland).

A

BILL

To amend the Act for transferring to Counties in Ireland certain Works constructed wholly or in part with the Public Money.

(Prepared and brought in by Mr. Wilson, the Chancellor of the Exchequer, and Mr. Solicitor-General.

Ordered, by The House of Commons, *to be Printed,*
5 May 1856.

[Bill 128.]

Trial of Offences Bill.

ARRANGEMENT OF CLAUSES.

The Court of Queen's Bench may order any Indictment which has been removed into that Court to be tried at the Central Criminal Court; Sect. 1.

When any such Order has been made, the Indictment shall be transmitted to the Central Criminal Court; 2.

The Court of Queen's Bench may order any Person charged with any Offence committed out of the Jurisdiction of the Central Criminal Court to be tried at that Court, and thereupon a Certiorari shall issue to remove the Indictment into the Central Criminal Court; 3.

When any such Order has been made, the Depositions, &c. shall be returned to the Central Criminal Court; 4.

When any such Order has been made, the Prisoner shall be removed to Newgate; 5.

A Defendant need not appear in Person or plead in the Queen's Bench; 6.

A Defendant shall be arraigned, plead, and be tried in the Central Criminal Court as if the Offence was committed within the Jurisdiction of that Court; 7.

When a Certiorari is delivered to any Court to remove any Indictment, such Court shall bind the Prosecutor and Witnesses to appear on the Trial; 8.

Where a Certiorari is delivered to any Court to remove any Indictment, such Court may bail or commit any Defendant who has appeared there under any Recognizance; 9.

Recognizances to be obligatory on Persons entering into them to prosecute, &c. at the Central Criminal Court, if Notice be given of the Change of Court. Court of Queen's Bench may require Party applying for a Trial at the Central Criminal Court to give Notice to all Parties bound by Recognizance; 10.

Where a Certiorari is delivered to any Court, the Court shall not discharge any Defendant then in Prison; 11.

Process may be issued against any Defendant at large, and Witnesses may be compelled to attend the Trial; 12.

Expenses of the Prosecution and Rewards may be ordered to be paid [*Proposed to be inserted in Committee*].

Her Majesty in Council may make Rules to effect the Purposes of this Act; 13.

No Objection to be taken to any Writ of Certiorari, Order, or other Proceeding for removing any Indictment, &c.; 14.

When the Indictment has been transmitted, the Central Criminal Court shall have the same Authority as if the Offence had been committed within its Jurisdiction; 15.

It shall not be necessary to prove that any Indictment has been properly removed or transmitted; 16.

Verdicts and Judgments to be valid; 17.

Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Central Criminal Court; 18.

Any Prisoner removed or committed to Newgate under this Act may be taken to and from the Central Criminal Court as often as need be; 19.

Every Prisoner whilst being removed or detained under this Act shall be deemed to be in lawful Custody; 20.

Any Defendant on Bail may be bailed again or committed to Newgate; 21.

Prosecutor and Witnesses may be bound by Recognizance to appear again at the Central Criminal Court; 22.

The Court of Queen's Bench may impose any Terms which seem reasonable on any Defendant applying to be tried at the Central Criminal Court; 23.

Where the Crown obtains a Trial at the Central Criminal Court, the Expense of Witnesses shall be advanced to the Defendant [*Proposed to be inserted in Committee*].

Expenses of any Person acquitted may be ordered by the Court [*Proposed to be inserted in Committee*].

The Treasurer of the County where the Offence was committed shall pay the Expenses of the Prisoner's Maintenance, &c. in Newgate [*Proposed to be inserted in Committee*].

An Account of the Expenses of any Prisoner shall be delivered to the Treasurer of the County where the Offence was committed [*Proposed to be inserted in Committee*].

Any Dispute shall be settled by Arbitration [*Proposed to be inserted in Committee*].

In case the Barrister die, &c., another may be appointed [*Proposed to be inserted in Committee*].

Act not to affect any Peer or Peeress; 24.

A

BILL

INTITULED

An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court.

[*Note.*—The Clauses printed in Red Ink are proposed to be inserted in Committee.]

Preamble.

WHEREAS it would contribute to the better Administration of Criminal Justice in England and Wales if Persons charged with indictable Offences committed out of the Jurisdiction of the Central Criminal Court were rendered liable to be tried in certain Cases at the said Central Criminal Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Court of Queen's Bench may order any Indictment which has been removed into that Court to be tried at the Central

I. Whenever any Indictment or Inquisition for any Treason, Felony, or Misdemeanor committed or supposed to have been committed at any Place out of the Jurisdiction of the said Central Criminal Court shall have been removed by Writ of Certiorari into Her Majesty's Court of Queen's Bench either before or after the passing of this Act, and it shall appear to such Court in Term Time, or to any Judge thereof in Vacation, that it is expedient to the Ends of

Criminal Court.

of Justice that such Indictment or Inquisition should be tried at the said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Indictment or Inquisition shall be tried at the said Central Criminal Court.

When any such Order has been made, the Indictment shall be transmitted to the Central Criminal Court.

II. Whenever any such Order shall have been made, the Queen's Coroner and Attorney, or other Officer having the Custody of the Records of the said Court of Queen's Bench, shall forthwith upon Notice of such Order transmit such Indictment or Inquisition so removed by Certiorari as in the preceding Section mentioned, together with any Depositions, Examinations, or Informations relating to any Offence charged therein which shall be in his Custody, to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

The Court of Queen's Bench may order any Person charged with any Offence committed out of the Jurisdiction of the Central Criminal Court to be tried at that Court, and thereupon a Certiorari shall issue to remove the Indictment into the Central Criminal Court.

III. Whenever any Person shall have been committed or held to Bail for any Treason, Felony, or Misdemeanor committed or supposed to have been committed at any Place out of the Jurisdiction of the said Central Criminal Court, and it shall appear to the said Court of Queen's Bench in Term Time, or to any Judge thereof in Vacation, that it is expedient to the Ends of Justice that such Person should be tried for such Offence at the said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Person shall be tried for such Offence at the said Central Criminal Court, and thereupon a Writ of Certiorari shall be issued to the Justices of Oyer and Terminer or of Gaol Delivery or of the Peace before whom any Indictment or Inquisition charging such Person with such Offence shall then be pending, or before whom any such Indictment shall thereafter be found, or to the Coroner before whom any such Inquisition shall have been or shall thereafter be taken, commanding them or him to certify and return such Indictment or Inquisition into the said Central Criminal Court.

When any such Order has been made, the Depositions, &c. shall be returned to the Central Criminal Court.

IV. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, the Justice before whom any Person charged with any Offence by such Indictment shall have been examined, the Coroner before whom such Inquisition shall have been taken, the Clerk of Arraigns, Clerk of the Peace, or any other Person having the Custody or Possession thereof, shall forthwith upon the Delivery to him of an Office Copy of such Order transmit any Recognizances, Depositions, Examinations, or Informations relating to the Offence charged in such Indictment or Inquisition which shall be in his Custody or Possession to the proper Officer of the said

Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

V. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, and any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, the Gaoler or Keeper of any Gaol or House of Correction in which any Person charged with any Offence by such Indictment or Inquisition shall be confined shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Person, with his Commitment and Detainer, to be safely removed to Her Majesty's Gaol of Newgate in the City of London; and thereupon the Keeper of the said Gaol of Newgate shall receive such Person into his Custody in the said Gaol of Newgate, there to remain until he shall be delivered by due Course of Law.

When any such Order has been made, the Prisoner shall be removed to Newgate.

VI. Whenever any Application shall be made to the said Court of Queen's Bench or to any Judge thereof, either before or after any Indictment or Inquisition shall have been found or taken, for an Order that any Person charged with any Offence by such Indictment or Inquisition, or committed or held to Bail for any Offence, shall be tried at the said Central Criminal Court, under the Provisions of this Act, it shall not be necessary for such Person to be brought or appear in Person before the said Court of Queen's Bench or the said Judge thereof, either upon the making or the Determination of such Application, and it shall not be necessary for such Person to plead any Plea to such Indictment or Inquisition in the said Court of Queen's Bench, in any Case where such Indictment or Inquisition shall be ordered to be tried at the said Central Criminal Court, under the Provisions of this Act.

A Defendant need not appear in Person or plead in the Queen's Bench.

VII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, any Person charged with any Offence by such Indictment or Inquisition shall be arraigned and shall plead to such Indictment or Inquisition, and shall be tried in the said Central Criminal Court, in the same Manner in all respects as if such Offence had been actually committed within the Jurisdiction of the said Central Criminal Court.

A Defendant shall be arraigned, plead, and be tried in the Central Criminal Court, as if the Offence was committed within the Jurisdiction of that Court.

VIII. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, such Court shall require any Person who shall be attending such Court under any Recognizance or Subpœna to pro-

When a Certiorari is delivered to any Court to remove any Indictment, such Court shall bind the Prosecutor and Witnesses to appear on the Trial.

secute, or to prosecute and give Evidence, or to give Evidence, upon the Trial of such Indictment or Inquisition, to enter into a Recognizance in such Sum of Money as to such Court shall seem fit, to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, upon the Trial of such Indictment or Inquisition, whenever and wherever the same shall be tried.

Where a Certiorari is delivered to any Court to remove any Indictment, such Court may bail or commit any Defendant who has appeared there under any Recognizance.

IX. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, it shall be lawful for such Court either to require any Person who shall be attending such Court under any Recognizance to take his Trial upon such Indictment or Inquisition to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance and taking his Trial upon such Indictment or Inquisition, whenever and wherever the same shall be tried, as to such Court shall seem fit, or to commit such Person to the Common Gaol or House of Correction for the County or Place for which such Court shall be holden, there to remain until he shall be removed under the Provisions of this Act or otherwise delivered by due Course of Law.

Recognizances to be obligatory on Persons entering into them to prosecute, &c. at the Central Criminal Court, if Notice be given of the Change of Court. 4 & 5 W. 4. c. 36. s. 18.

X. Every Recognizance which shall have been or shall be entered into for the Prosecution of any Person, and every Recognizance as well of any Witness to give Evidence as of any Person to answer for any Offence shall, in case any such Order shall be made for the Trial of such Offence at the said Central Criminal Court, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence and to do all other Things therein mentioned with reference to the said Trial at the said Central Criminal Court, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, appearing, or giving Evidence, or doing such other Things before the said Central Criminal Court: Provided that Notice in Writing shall have been given either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the said Central Criminal Court upon the Trial of the said Offence: Provided also, that it shall be lawful for the said Court of Queen's Bench in Term Time, or for any Judge thereof in Vacation, to cause the Party applying for such Order, whether he be the Prosecutor or Party charged with such Offence, to enter into a Recognizance in such Sum, and with or without Sureties, as such Court or Judge may direct, conditioned to give such Notice to the Parties bound by such Recognizances to appear before the said Central Criminal Court: Provided also, that where it shall appear to any Court to which any Writ of Certiorari shall be delivered, for the

Court of Queen's Bench may require Party applying for a Trial at the Central Criminal Court to give Notice to all Parties bound by Recognizance.

Purpose of removing any Indictment or Inquisition from such Court, that any Person so bound by Recognizance has been personally served with any such Notice as in this Section is mentioned, it shall not be necessary for such Court to require such Person to enter into a fresh Recognizance, unless it shall appear to such Court that it is expedient to the Ends of Justice that such Person should enter into such Recognizance.

XI. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, and any Person charged with any Offence by such Indictment or Inquisition shall then be in Prison, such Person shall not be discharged by such Court out of Prison, but shall remain therein until he shall be removed under the Provisions of this Act or otherwise discharged by due Course of Law.

Where a Certiorari is delivered to any Court the Court shall not discharge any Defendant then in Prison.

XII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to issue Process for apprehending any Person charged by such Indictment or Inquisition with any Offence, and to compel the Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment or Inquisition, in like Manner as in Cases of Indictments found at the said Central Criminal Court for Offences committed within the Jurisdiction of the said Central Criminal Court; and every such Process shall and may be lawfully executed at any Place within England and Wales.

Process may be issued against any Defendant at large, and Witnesses may be compelled to attend the Trial.

Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the several Rewards payable in pursuance of any Statute made or to be made, as to such Central Criminal Court shall seem reasonable and sufficient, to be paid by and to the same Persons and in the same Manner as if such Central Criminal Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County or Place in which such Indictment shall have been found or such Inquisition shall have been taken.

Expenses of the Prosecution and Rewards may be ordered to be paid.

XIII. It shall be lawful for Her Majesty, by and with the Advice of Her Most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the said Gaol of Newgate, or any

Her Majesty in Council may make Rules to effect the Purposes of this Act.

other Gaol or Prison, and the Government and Keeping thereof, for the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the London Gazette or in such other Manner as Her Majesty, by and with the Advice of Her Most Honourable Privy Council, shall think fit to direct.

No Objection to be taken to any Writ of Certiorari, Order, or other Proceeding for removing any Indictment, &c.

XIV. It shall not be lawful for any Person, by himself or by his Counsel, to take any Objection, either in the said Central Criminal Court or in any Court of Error, to any Writ of Certiorari, or to any Order of the said Court of Queen's Bench or of any Judge thereof, or to any other Proceeding under or by virtue of which any Indictment or Inquisition shall have been removed into the said Court of Queen's Bench, or transmitted or removed, under the Provisions of this Act, to the said Central Criminal Court, or to any Caption of any Court before which such Indictment shall have been found, or to any Matter or Thing set out or appearing on the Face of the Record, save and except only to such Indictment or Inquisition alone.

When the Indictment has been transmitted the Central Criminal Court shall have the same Authority as if the Offence had been committed within its Jurisdiction.

XV. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, the Justices and Judges of the said Central Criminal Court for the Time being, or any Two or more of them, shall possess the same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment or Inquisition had actually been committed within the Jurisdiction of the said Central Criminal Court; and every such Offence may be dealt with, tried, and determined by and before such Justices and Judges of the said Central Criminal Court, or any Two or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Central Criminal Court.

It shall not be necessary to prove that any Indictment has been properly removed or transmitted.

XVI. It shall not be necessary for any Purpose whatsoever to prove that any Indictment or Inquisition for any Offence committed or supposed to have been committed out of the Jurisdiction of the said Central Criminal Court has been duly removed into the said Court of Queen's Bench, or duly transmitted or removed into the said Central Criminal Court under the Provisions of this Act, but every such Indictment and Inquisition shall be presumed to have been duly removed and transmitted or duly removed under the Provisions of this Act, upon Production of the same in the said Central Criminal

Court by the proper Officer having the Custody of the Records of the said Central Criminal Court; and no Evidence or Proof to the contrary shall be admitted.

Verdicts and Judgments to be valid.

XVII. Every Verdict and Judgment which shall be given upon any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall be of the same Force and Effect in all respects as if such Indictment had been duly found, and such Inquisition had been duly taken, within the Jurisdiction of the said Central Criminal Court, and as if the Offence charged in such Indictment or Inquisition had been actually committed within the Jurisdiction of the said Central Criminal Court.

Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Central Criminal Court.

XVIII. When any Person shall have been convicted of any Offence at the said Central Criminal Court upon the Trial of any Indictment or Inquisition transmitted or removed thereto under the Provisions of this Act, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Conviction shall have taken place, or for any Two or more of them, or, in case Sentence shall not then be passed, for the Justices and Judges of the said Central Criminal Court, or for any Two or more of them, at any subsequent Sessions of the said Central Criminal Court, to order and adjudge such Convict to be punished according to Law at any Place, either within the Jurisdiction of the said Central Criminal Court or within the County or Place where such Offence shall have been committed or supposed to have been committed; and in Cases where such Justices and Judges, or any Two or more of them, shall order such Convict to be punished in such County or Place, it shall be lawful for such Justices and Judges, or any Two or more of them, after passing Sentence upon such Convict, to order the said Keeper of the said Gaol of Newgate to cause such Convict to be delivered into the Custody of the Sheriff, Gaoler, or other proper Officer of such County or Place, and such Sheriff, Gaoler, or other proper Officer is hereby commanded to receive into his Custody every such Convict, and to execute the Sentence so passed upon him in such County or Place, in the same Manner as if he had been tried and received such Sentence in such County or Place.

Any Prisoner removed or committed to Newgate under this Act may be taken to and from the Central Criminal

XIX. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of Newgate, under the Provisions of this Act, or shall have been committed to the Custody of such Keeper by the said Central Criminal Court, such Person shall, without Writ of Habeas corpus or other Writ for that Purpose, be removed into and from the said Central Criminal Court, when and as

often

Court as often as need be.

often as it may be necessary, by the Keeper of the said Gaol of Newgate, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law, and such Removal shall not be deemed an Escape.

Every Prisoner whilst being removed or detained under this Act shall be deemed to be in lawful Custody.
14 & 15 Vict. c. 55. s. 22.

XX. Every Prisoner so removed as in any of the preceding Sections of this Act is mentioned, shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he shall have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the said Gaol of Newgate, or in any County Gaol or County to or through which he shall have been so removed, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding that he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he has been removed into or through any other Jurisdiction, County, Riding, or Division; and no Action or other Proceeding, Civil or Criminal, shall or may be maintained by such Prisoner or any other Person against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner shall have been removed, or against the Gaoler or Keeper of the Gaol to which such Prisoner shall have been removed, or against any other Person, by reason or in consequence of any such Removal or Detainer of such Prisoner, or by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of any such County of a City or Town, County, Riding, or Division from the Gaol or House of Correction of which such Prisoner shall have been removed into any other Jurisdiction, or out of such County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he shall have been removed into or through any other Jurisdiction, County, Riding, or Division, or by reason or in consequence of any Removal or Detention of such Prisoner under any of the Provisions of this Act.

Any Defendant on Bail may be bailed again or committed to Newgate.

XXI. Where any Person charged with any Offence by any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall appear before such Court in pursuance of any Recognizance for that Purpose or otherwise, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, either to require such

Person to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance at such Central Criminal Court and otherwise, as to such Central Criminal Court shall seem fit, or to commit such Person to the Custody of the Keeper of the said Gaol of Newgate until he shall be discharged by due Course of Law.

Prosecutor and Witnesses may be bound by Recognizance to appear again at the Central Criminal Court.

XXII. Whenever any Prosecutor or Witnesses, in any Case where any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, shall appear before the said Central Criminal Court, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, to require such Prosecutor and Witnesses to enter into such Recognizance, in such Sum of Money, and with such Condition as to Appearance at the said Central Criminal Court and otherwise, as to the said Central Criminal Court shall seem fit.

The Court of Queen's Bench may impose any Terms which seem reasonable on any Defendant applying to be tried at the Central Criminal Court.

XXIII. Whenever any Person charged with any Offence shall apply, either before or after any Indictment or Inquisition shall have been found or taken, to the said Court of Queen's Bench, or to any Judge thereof, for an Order that such Indictment or Inquisition shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to require such Person to submit to such Conditions as to Bail, the Payment of the Costs of the Prosecutor and Witnesses, and of the Removal and Transmission or Removal of such Indictment or Inquisition, and of the Removal of such Defendant, and any other Matter or Thing whatsoever, as in the Judgment of such Court of Queen's Bench or Judge may reasonably be imposed upon such Person.

Where the Crown obtains a Trial at the Central Criminal Court, the Expense of Witnesses shall be advanced to the Defendant.

3 & 4 W. 4. c. 79. s. 4. relating to Ireland.

Whenever any Application shall be made on behalf of Her Majesty or of any Prosecutor to the said Court of Queen's Bench or to any Judge thereof, for an Order that any Person charged with any Offence shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to order to be paid out of the Consolidated Fund of the United Kingdom arising in England to the Person so charged a Sum not exceeding Twenty Pounds, to enable such Person to defray the Charges and Expenses of the Attendance of his Witnesses; provided that the Sum so advanced shall be allowed for in the Sum which in the event of the Acquittal of such Person may become payable under the Order herein-after mentioned.

Expenses of any Person acquitted may be ordered by the Court.
3 & 4 W. 4. c. 79. s. 3.

In case any Person who shall be tried at the said Central Criminal Court under the Provisions of this Act upon an Application on behalf of Her Majesty or of any Prosecutor, shall be there acquitted, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Acquittal shall have taken place, or for any Two or more of them, to order to be paid out of such Consolidated Fund, for the Reimbursement of the Person so acquitted, such Sum as shall appear to them to have been properly incurred by such Removal of the Trial of such Person.

The Treasurer of the County where the Offence was committed shall pay the Expenses of the Prisoner's Maintenance, &c. in Newgate.

Where any Person shall have been removed or committed to the said Gaol of Newgate under the Provisions of this Act, the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed shall pay or cause to be paid to the Keeper of the said Gaol of Newgate, or to such other Person as the Visiting Justices of the said Gaol shall appoint, the actual Expenses incurred by the said Keeper in any Removal of such Prisoner to or from the said Gaol of Newgate, and also the actual Expenses incurred in the Maintenance, safe Custody, Care, and Punishment of such Prisoner, according to the Time for which he shall have been in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Gaol, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the said Gaol shall from Time to Time determine, including in such Expenses all Salaries of Officers, all Expenses of Repairs, Alterations, Additions, and Improvements in or to the said Gaol, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charges whatsoever on account of the Prisoners confined in such Gaol, subject, nevertheless, to a proportional Share of all Deductions on account of the Earnings of the Prisoners in the said Gaol, and of all Sums of Money received in aid of the Rates for the Maintenance of such Prison.

An Account of the Expenses of any Prisoner shall be delivered to the Treasurer of the County where the Offence was committed.
5 & 6 Vict. c. 98. s. 21.

An Account in Writing of the Expenses due and payable in respect of the Maintenance, safe Custody, Care, and Punishment of such Prisoner as in the last preceding Section mentioned shall be made out from Time to Time and signed by the Clerk to the Visiting Justices of the said Gaol of Newgate, and delivered to the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed, and such Account shall be conclusive against such County or Place, unless some Objection thereto shall be made in

Writing and signed by the Treasurer of such County or Place, and delivered to the Clerk of such Visiting Justices within One Calendar Month after such Account shall have been delivered to such Treasurer.

Any Dispute shall be settled by Arbitration.
5 G. 4. c. 85 s. 2

In case any Difference shall arise concerning the said Account in the last preceding Section mentioned, it shall be lawful for the Justices of the Peace of such County or Place, or the Visiting Justices of the said Gaol of Newgate, to apply to the Justices and Judges of the said Central Criminal Court, or to any One of them, who shall, by Writing under his or their Hand or Hands, nominate a Barrister-at-Law not having any Interest in the Question to arbitrate between the Parties, and such Arbitrator may, if he shall shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matter in dispute between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

In case the Barrister die, &c., another may be appointed.
7 & 8 Vict. c. 93. s. 2.

In case any Barrister who shall be named in pursuance of this Act shall die, or refuse to act, or be disabled from acting either from ceasing to practise as a Barrister or for any other Reason, before making his Award, another Barrister-at-Law may be named in like Manner as if no previous Appointment had been made; and the Barrister so newly named shall have the same Power and Authority to decide the Matters in difference, and for every other Purpose, as if no other Appointment had been made.

Act not to affect any Peer or Peeress.

XXIV. Nothing in this Act contained shall be deemed to apply to any Indictment or Inquisition charging any Peer or Peeress, or other Person claiming the Privilege of Peerage, with any Offence not now lawfully triable by any Court of Oyer and Terminer and Gaol Delivery for any County.

Trial of Offences.

A

B I L L

INTITULED

An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court.

(*Brought from the Lords* 25 *February* 1856.)

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1856.

[Bill 52.]

Under 2 oz.

30 *June* 1856. 19 & 20 VICT.

A

BILL

TO

Continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire on or before the End of the next Session of Parliament shall be continued until the *First Day of October One thousand eight hundred and fifty-seven*, and to the End of the then next Session of Parliament, except an Act of the Ninth Year of King George the Fourth, Chapter Sixty-eight, " for more effectually repairing the Road from Great " Grimsby Haven to Wold Newton Church, and from Nuns Farm to " the Mill Field in the Parish of Irby, in the County of Lincoln," and except as herein-after mentioned.

All Turnpike Acts which will expire on or before the End of next Session continued to 1st Oct. 1857, &c., with certain Exceptions.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the *First Day of November One thousand eight hundred and fifty-seven*, and no longer, unless Parliament shall in the meantime continue the same respectively.

Acts in Schedule to this Act continued till 1st Nov. 1857.

Short Title.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1856."

Extent of Act.

IV. This Act shall not apply to Ireland.

SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Neat Enstone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the Green in the County of Oxford, and for making a new Branch of Road to communicate therewith. 53 G. 3. c. cxxxiii.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Warwick Road near Solihull to the Guide Post in Kenilworth, and from Stonebridge to meet the aforesaid Road at Balsall Common in the County of Warwick, so far as respects the said Road from Stonebridge to Balsall Common, and from thence to the said Town of Kenilworth. 54 G. 3. c. xv.

An Act for continuing the Term and enlarging the Powers of an Act of the Thirty-third Year of the Reign of His present Majesty, for repairing and widening the Road from Selby Ferry in the Parish of Hemingbrough to the Town of Market Weighton in the East Riding of the County of York. 54 G. 3. c. xxx.

An Act to continue the Term and alter and enlarge the Powers of Three Acts of His present Majesty, for amending the Road from Besselsleigh through Wantage to Hungerford in the County of Berks, and other Roads in the said Acts mentioned, in the said County and in the County of Wilts. 54 G. 3. c. xlix.

An Act for amending, widening, and keeping in repair the Road leading from Sturry Street to Herne Bay in the County of Kent. 54 G. 3. c. li.

An Act for continuing and amending Two Acts of His present Majesty, for repairing the Road from the Guide Post at the West End of the Town of Hampton over Sunbury Common to the Town of Staines in the County of Middlesex. 54 G. 3. c. lix.

An Act for repairing the Roads from Harrowgate through Ripley and Ripon to Hutton Moor, and from Kirkby Hill Moor to Ripon, in the County of York. 54 G. 3. c. cci.

An Act for repairing the Road from Haslingden through New Church and Bacup to Todmorden, and for making and maintaining several Branches therefrom, all in the County Palatine of Lancaster. 55 G. 3. c. xiv.

An Act for more effectually repairing the Road leading from Royston in the County of Hertford to Wandesford Bridge, and from the Town of Huntington to Somersham in the County of Huntingdon, so far as respects the Middle Division and separate District of the said Roads. 55 G. 3. c. xxxv.

An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford. 55 G. 3. c. xxxviii.

An Act for repairing the Road from Sutton in the County of Surrey, through the Borough of Reigate, by Sidlow Mill, to Povey Cross, and several other Roads therein mentioned, in the same County. 55 G. 3. c. xlviii.

An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Northampton. 59 G. 3. c. xcix.

1 G. 4. c. xiv. An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from Wigan to Golborn and Warrington, into the Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster.

1 G. 4. c. xvii. An Act for enlarging the Term and Powers of an Act passed in the Thirty-seventh Year of His late Majesty, for repairing the Road from Hulmes Chapel in the County Palatine of Chester, to the South Bridge in Chelford in the said County.

1 G. 4. c. xxxiii. An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow and elsewhere in the County of Salop.

1 & 2 G. 4. c. xi. An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon by Ingram Bank to the Town of Pateley Bridge in the County of York.

1 & 2 G. 4. c. lxxxix. An Act to continue the Term and alter and enlarge the Powers of Three Acts, for repairing and widening several Roads leading from the Town of Bewdley in the County of Worcester to the several Places therein mentioned in the Counties of Worcester and Salop respectively.

3 G. 4. c. xxxvii. An Act for amending, widening, altering, and keeping in repair the Road from the upper Part of Leeming Lane in the Town of Mansfield, opposite to the End of Bath Lane, to the Turnpike Road leading from Worksop to Kelham at or near the Corner of Worksop Brecks, all in the County of Nottingham.

3 G. 4. c. xxxix. An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty as relates to the Toll Gate and to the Tolls payable by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road.

3 G. 4. c. lxvii. An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey.

3 G. 4. c. lxviii. An Act for more effectually repairing the South District of the Road from Royston in the County of Hertford to Wandesford Bridge in the County of Huntingdon.

3 G. 4. c. lxxxvi. An Act for continuing the Term and altering and enlarging the Powers of several Acts, passed in the Reign of King George the Second and His late Majesty King George the Third, for repairing the Road from Westwood Gate in the County of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane in the County of Northampton.

3 G. 4. c. lxxxix. An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several Roads leading from the

Hundred House in the County of Worcester, and also several other Roads therein mentioned.

An Act for repairing and improving the Road from Otley to Skipton in the County of York. 4 G. 4. c. xxxi.

An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset. 5 G. 4. c. xxx.

An Act for more effectually repairing and improving the Road from Wilmslow Bridge in the County of Chester, through Nether Alderley and Congleton, to or near the Red Bull in Church Lawton in the said County. 5 G. 4. c. lxxxvii.

An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of Langport, Somerton, and Castle Cary, in the County of Somerset, and for making and improving other Roads in the said County. 5 G. 4. c. xcviii.

An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster; and for making and maintaining several new Branches to communicate therewith. 6 G. 4. c. xxvii.

An Act for amending and repairing the Turnpike Road leading from the North End of the Town of Rotherham to the East Side of Tankersley Park in the County of York. 6 G. 4. c. lii.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxvii.

An Act for amending, repairing, and maintaining the Road from Worksop in the County of Nottingham to the North-east End of Attercliffe in the County of York. 6 G. 4. c. cxlvi.

An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned. 7 & 8 G. 4. c. lvii.

An Act for repairing and improving the Road from Newcastle-under-Lyme to Leek, and several Branch Roads, all in the County of Stafford. 9 G. 4. c. iv.

An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from High Bridges to Uttoxeter, and from the Newcastle Road at Spath, near Uttoxeter, to the Leek Road at or near Hanging Bridge in the County of Stafford. 9 G. 4. c. xxxii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from Wells next the Sea to Fakenham in the County of Norfolk, and other Roads connected therewith. 9 G. 4. c. ci.

An Act for amending certain Roads in the County of Somerset, and for placing them and other Roads under the Care and Management of the Trustees of the Langport, Somerton, and Castle Cary Roads. 1 & 2 W. 4. c. xxxii.

Turnpike Acts Continuance.

A

B I L L

To continue certain Turnpike Acts in Great Britain.

(*Prepared and brought in by*
Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1856.

[Bill 214.]

Under 1 *oz.*

7 *July* 1856. 19 & 20 Vict.

(Ireland.)

A

BILL

TO

Continue certain Acts for regulating Turnpike Roads in Ireland.

Preamble.
4 & 5 Vict. c. 6.
18 & 19 Vict. c. 83.

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in Ireland were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as especially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued and will remain in force until the Thirty-first Day of July in the present Year, or if Parliament be then sitting until the End of the then Session of Parliament: And whereas it is expedient that any Act for making, amending, or repairing any Turnpike Road in Ireland which will expire on or before the End of the present Session of Parliament should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Turnpike Acts which will expire

I. Any Act now in force for making, amending, or repairing any Turnpike Road in Ireland which will expire on the Thirty-first Day

[Bill 231.]

of

on or before 31st July 1856 continued.

of July One thousand eight hundred and fifty-six, or if Parliament be then sitting at the End of the present Session of Parliament, shall be further continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the *Thirty-first Day of July One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.*

Short Title.

II. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Annual Turnpike Acts (Ireland) Continuance Act, 1856."

Turnpike Acts Continuance (Ireland).

A

B I L L

To continue certain Acts for regulating
Turnpike Roads in Ireland.

(*Prepared and brought in by*
Mr. Horsman and Mr. Attorney General for
Ireland.)

Ordered, by the House of Commons, *to be Printed*,
7 *July* 1856.

[Bill 231.]

Under 1 *oz.*

14 *February* 1856. 19 Vict.

A

BILL

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for the "Relief of Turnpike Trusts, and to make certain Pro-"visions respecting Exemptions from Tolls," certain Provisional Orders have been made by the Right Honourable Sir George Grey, One of Her Majesty's Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing in certain Cases the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the London Gazette, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day up to which the Interest and Arrears of Interest on

Preamble.
14 & 15 Vict. c. 38.

on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

I. That the said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

II. And whereas the Provisions of the said Act of the Fifteenth Year of Her Majesty, for facilitating the Arrangements therein mentioned with the Creditors of Turnpike Trusts, are confined to the Cases "where the Revenues of any Turnpike Road in England, "applicable to the Payment of the Interest upon the Principal Money "for the Time being charged or secured on the Tolls or Revenues "of such Road, are insufficient for the Payment in full of such "Interest," and it is expedient that such Provisions should be extended to other Cases:

Provisions of recited Act extended.

So much of the said Act as confines the Operation thereof to the Case where the Revenues of a Turnpike Road are insufficient for the Payment in full of such Interest as aforesaid shall be repealed, and the Provisions of such Act shall be applicable to and in the Case of any Turnpike Road in England (whether the Revenues thereof be or be not insufficient for such Payment as aforesaid).

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.			Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1855.		£	s.	d.		
10 Sept.	10 G. 4. c. 23., "An Act for repairing the Road "from Stockershead, at the Top of Charing "Hill, to a Place called Bagham's Cross in "the Parish of Chilham in the County of "Kent" - - - - -	2,075	0	0	2*l.* per Cent.	31st Dec. 1853, (except the Sum of 15*l.*)
10 Sept.	4 G. 4. c. 85., "An Act for more effectually re-"pairing the Road from the South End of "Brown's Lane in the Parish of Great Staugh-"ton in the County of Huntingdon, to the "Bedford Turnpike Road in the Parish of "Lavendon in the County of Buckingham." So far as the same relates to the Odell District	1,452	0	0	3*l.* per Cent.	31st Dec. 1854.
10 Sept.	Ditto. So far as the same relates to the Risely District - - - -	1,325	0	0	3*l.* per Cent.	31st Dec. 1854.
12 Nov.	6 G. 4. c. 151., "An Act for more effectually "improving the Roads from Barnsley Common "to Grange Moor and White Cross, and for "making a Diversion of the said Roads from "or near to Redbrook in the Township of "Barugh to Barnsley, all in the West Riding "of the County of York" - - -	4,960	0	0	2*l.* 10*s.* per Cent.	No Arrears extinguished.
7 Dec.	6 G. 4. c. 101., "An Act for more effectually "repairing the Road from Greenhill Moor to "Hernstone Lane Head Road, near Stony "Middleton, and other Roads therein men-"tioned, in the County of Derby and in the "West Riding of the County of York; and "for making an Extension and Branch of "Road therefrom" - - -	10,112	2	0	4*l.* per Cent.	31st Dec. 1855.
17 Dec.	6 G. 4. c. 15., "An Act for more effectually "repairing the Road from Bramcote Odd "House in the County of Nottingham, to the "Cross Post upon Smalley Common in the "County of Derby, and from Ilkeston to "Heanor in the said County of Derby, and "from Trowell, in the said County of Not-"tingham, to the Town of Nottingham" -	7,837	10	9	3*l.* per Cent.	No Arrears extinguished.
17 Dec.	6 G. 4. c. 24., "An Act for more effectually re-"pairing the Road from Grantham, in the "County of Lincoln, to Nottingham Trent "Bridge in the County of Nottingham" -	10,535	2	0	3*l.* per Cent.	27th Jan. 1856.
17 Dec.	57 G. 3. c. 3., "An Act for continuing the Term "and enlarging the Powers of Two Acts of "the Seventeenth and Thirty-eighth Years of "His present Majesty, for repairing the Roads "from Henfield to Brighthelmstone, and from "Poyning's Common to High Cross in the "County of Sussex; and for repealing so "much of the said Acts as relates to certain "Parts of the said Roads" - -	3,134	10	0	3*l.* per Cent.	No Arrears extinguished.
17 Dec.	9 G. 4. c. 74., "An Act to alter, amend, and "enlarge the Powers and Provisions of several "Acts relating to the Road from Chester to "Northop in the County of Flint" -	5,750	0	0	3*l.* per Cent.	No Arrears extinguished.

Turnpike Trusts Arrangements.

A

BILL

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

(*Prepared and brought in by*
Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
14 *February* 1856.

[Bill 36.]

Under 1 *oz.*

7 *July* 1856. 19 & 20 Vict.

(Ireland.)

A

B I L L

TO

Continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in Ireland, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.

Preamble.
50 G. 3. c. 102.
4 G. 4. c. 87.
2 & 3 Vict. c. 74.
7 & 8 Vict. c. 78.

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled "An Act for the more effectually preventing the administering and taking of unlawful Oaths in Ireland, and for the Protection of Magistrates and Witnesses in Criminal Cases:" And whereas the said Act was amended by an Act passed in the Fourth Year of the Reign of His Majesty King George the Fourth, Chapter Eighty-seven: And whereas the Provisions of the said last-recited Act were extended and rendered more effectual by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, Chapter Seventy-four: And whereas by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Seventy-eight, the said last-recited Act was

continued

8 & 9 Vict. c. 55.

11 & 12 Vict. c. 89.

14 & 15 Vict. c. 48.

continued for the further Period of One Year from the First Day of September in the Year One thousand eight hundred and forty-four: And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifty-five, the said Act of the Second and Third Years of Her present Majesty (subject to an Amendment in the said Act of the Eighth and Ninth Years of Her present Majesty contained) was continued in force for the further Period of Two Years from the First Day of September One thousand eight hundred and forty-five, and until the End of the then next Session of Parliament: And whereas by an Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Eighty-nine, the said last-mentioned Act was further continued, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty, for Two Years from the Thirty-first Day of August One thousand eight hundred and forty-eight and until the End of the then next Session of Parliament: And whereas by an Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign the said Act of the Second and Third Years of Her Majesty was further continued, amended as aforesaid, for Five Years from the First of August One thousand eight hundred and fifty-one, and thence to the End of the then next Session of Parliament: And whereas it is expedient that the said Act of the Second and Third Years of Her Majesty's Reign should be further continued, amended as aforesaid, save so far as the same is amended by the said Act of the Eighth and Ninth Years of Her Majesty's Reign: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of 8 & 9 Vict. c. 55.

I. The said recited Act of the Eighth and Ninth Years of Her Majesty, Chapter Fifty-five, is hereby repealed, and the Provisions of the said Act of the Second and Third Years of Her Majesty, repealed by the said Act of the Eighth and Ninth Years of Her Majesty, are hereby revived, save as to anything done before the passing of this Act.

Recited Act of 2 & 3 Vict. to continue in force for a further Period of Five Years, &c.

II. The said recited Act of the Second and Third Years of the Reign of Her present Majesty, as amended by the said Act of the Eleventh and Twelfth Years of Her Majesty's Reign, shall be and continue in full Force and Effect from the passing of this Act for the further Period of *Five Years and until the End of the then next Session of Parliament.*

Unlawful Oaths (Ireland).

A

B I L L

To continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in Ireland, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty's Reign.

(Prepared and brought in by
Mr. Attorney General for Ireland and
Mr. Horsman.)

***Ordered**, by* The House of Commons, *to be Printed,*
7 *July* 1856.

[Bill 227.]

Under 1 *oz.*

7 *March* 1856. 19 Vict.

A

BILL

TO

Consolidate and to amend the Laws relating to Vaccination.

WHEREAS an Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, intituled "An "Act to extend the Practice of Vaccination:" And whereas an Act was passed in the Session of the Fourth and Fifth Years of Her Majesty, intituled "An Act to amend an Act to extend the "Practice of Vaccination:" And whereas an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the same Reign, intituled "An Act to extend and make compulsory the "Practice of Vaccination:" And whereas it is expedient that the Provisions of the said Acts in relation to Vaccination in England should be consolidated and amended, and that the compulsory Practice of Vaccination should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

3 & 4 Vict. c. 29.

4 & 5 Vict. c. 32.

16 & 17 Vict. c. 100.

I. In this Act the following Words and Expressions have the following Meanings, except where such Meanings are inconsistent with the Context:

Interpretation of Terms.

"Public Vaccinator" means the Medical Officer or Practitioner having a Contract for Vaccination with Guardians or Overseers under the firstly herein-before recited Act or this Act:

"Medical Practitioner" means a Person having a Licence or Diploma from some Body legally qualified to grant Licences or Diplomas for the Practice of Medicine or Surgery:

"Child," includes every Person up to the Age of *Thirteen* Years:

"Parent or Guardian of a Child" means the Father or Mother of the Child, or the Person having the Care, Nurture, or Custody of the Child, in consequence of the Death of the Parents or their Absence from any Cause rendering them incapable of the Care of the Child.

Repeal of existing Acts as to Vaccination from 1st Jan. 1857.

II. On the *First Day of January One thousand eight hundred and fifty-seven* the said Acts of the Third and Fourth, Fourth and Fifth Years of Her Majesty, in so far as the same relate to England, and the said Act of the Sixteenth and Seventeenth Years of Her Majesty, shall be repealed: Provided always, that Contracts for Vaccination entered into, and Districts and Places for Vaccination set out, under the Powers of the said Acts, shall continue as if the same had been entered into and set out under the Powers of this Act until altered under the Powers of this Act.

Act to be in Force in England from 1st Jan. 1857.

III. This Act shall apply to England, and shall be in force from and after the *First Day of January One thousand eight hundred and fifty-seven.*

Expenses of Act.

IV. The Expenses of and incident to the Execution of this Act shall be defrayed as Part of the Expenses of Medical Relief in and for the Union or Parish where such Expenses are incurred; and the said Guardians or Overseers shall be entitled to Re-imbursement, in respect of such Expenses, in like Proportion and Manner as they are by the Law in Force for the Time being entitled to Re-imbursement in respect of the Salaries of Medical Officers.

Vaccination not to be considered Parochial Relief.

V. Provided always, That the Vaccination, or Surgical or Medical Assistance in consequence of Vaccination, of any Person resident in any Union or Parish, shall not be considered to be Parochial Relief, Alms, or charitable Allowance, and no such Person, or Member of the Family of such Person, shall by reason of such Vaccination or Assistance, be deprived of any Right or Privilege, or be subject to any Disability or Disqualification whatever.

Guardians and Overseers to contract for Vaccination.

VI. The Board of Guardians of every Parish or Union in which Relief to the Poor is administered by a Board of Guardians, or the Overseers of every Parish in which Relief to the Poor is not administered by Guardians, may and shall with the Approval of the General Board of Health, contract with any legally qualified Medical Practitioner for the Vaccination of all Persons resident in their Unions or

Parishes respectively, and transmit Copies of all such Contracts for the Approval of the General Board of Health: Provided always, that it shall be a Condition of every such Contract that the Amount of the Remuneration to be received under it shall depend on the Number of Persons who, not having been successfully vaccinated, shall be successfully vaccinated by the Public Vaccinator.

Guardians and Overseers to set out Vaccination Districts and Places for Vaccination.

VII. The Guardians or Overseers shall, subject to the Approval of the General Board of Health, divide their respective Unions or Parishes into Vaccination Districts, and appoint a convenient Place in every such District for the Purposes of Vaccination, and shall take effectual Means for giving due Notice, from Time to Time, to all Persons resident within such District, of the Days and Hours at which the Public Vaccinator will attend at such Place to vaccinate all Persons not already successfully vaccinated who may appear there, and also of the Days and Hours at which the Public Vaccinator will attend at such Place to inspect the Progress of Vaccination in the Persons so vaccinated, and the said Guardians or Overseers may, from Time to Time, subject to such Approval as aforesaid, alter such Districts or Places for Vaccination as may be found desirable.

During Winter Months Guardians may require Vaccination at the Residence of any Child.

VIII. Provided always, That in any Contract entered into with a Public Vaccinator under this Act, the Guardians or Overseers may require that during the Months of November, December, January, and February the Public Vaccinator shall, on receiving the Direction of the Guardians or Overseers to that Effect, vaccinate and inspect, in the Manner required by this Act, any new-born Child requiring Vaccination in any District beyond the Boundaries of a City, Borough, or Town, at the Place of Residence of such Child, instead of the Place appointed for Vaccination under this Act.

Annulling of Vaccination Contracts.

IX. Unless the Contract with any Public Vaccinator under this Act shall be annulled by the General Board of Health within One Month after the Receipt at the Office of the said Board of a Copy of such Contract, such Contract shall thenceforth not be liable to be annulled by the said Board without the Consent of the Guardians or Overseers, or without Proof given to the Satisfaction of the said Board of Incapacity or Neglect of any Public Vaccinator, in either of which Cases such Contract may be annulled by Order under Seal of the said Board.

Public Vaccinator to report.

X. The Public Vaccinator shall report on the Result of Vaccinations performed by him, on Postponements of Vaccination, and Cases in which he has given Certificates of Insusceptibility to Vaccine

Disease, as required by this Act, to the Guardians and Overseers at such Times and in such Manner as the General Board of Health shall direct.

Parents or Guardians of Children born on or after 1st January 1857 to have them vaccinated within Four Months.

XI. The Parent or Guardian of every Child born in England on or after the *First Day of January One thousand eight hundred and fifty-seven* shall, within *Four* Months after the Birth of the Child, bring or cause to be brought the Child for Vaccination to the Public Vaccinator appointed in and for the Union or Parish in which the Child is resident, unless the Child shall have been previously vaccinated by some other Medical Practitioner; and the said Public Vaccinator shall thereupon, or as soon as may be proper and convenient, vaccinate such Child.

Inspection to be made after Vaccination.

XII. Upon the *Seventh* Day after the Day of Vaccination the Parent or Guardian of the Child shall again bring or cause to be brought the Child for Inspection by the Public Vaccinator or have the Child inspected by the other Medical Practitioner by whom the Child has been vaccinated, or by some legally qualified Medical Practitioner acting on his Behalf, in order that the Result of such Vaccination may be ascertained and registered.

Revaccination to be performed when First Vaccination unsuccessful.

XIII. If a Public Vaccinator or other Medical Practitioner who shall have vaccinated any Child shall ascertain, on such Inspection as is required by the preceding Section, that the said Vaccination has not been successful, he shall thereupon, or as soon after as he shall think fit, again vaccinate the said Child, and the Parent or Guardian shall bring the same Child for such Inspection, or obtain Inspection of the Child, on the *Seventh* Day after the Day of such Second Vaccination, and so on as often as need be, until the said Child shall have been successfully vaccinated, or till a Certificate of Insusceptibility to Vaccine Disease be given in the Manner provided by this Act.

Certificate of Vaccination or of Insusceptibility to Vaccine Disease to be sent to Registrar.

XIV. Every Public Vaccinator or other Medical Practitioner, within a Week after completing the successful Vaccination of any Child, shall furnish to the Registrar of Births and Deaths of the Sub-District in which the Birth of the Child shall have been registered a Certificate in or to the Effect of the Form given in Schedule A. to this Act; and if any Child shall after Three Vaccinations, at Intervals of not less than *Two* Months, prove for the Time insusceptible of Vaccine Disease, such Public Vaccinator or Medical Practitioner shall furnish to the Registrar a Certificate of such Insusceptibility, in or to the Effect of the Form given in Schedule B. to this Act, and shall, if required, furnish a Duplicate of such Certificates to the Parent or Guardian of such Child: Provided always, that such Three

Vaccinations shall have been performed when the Child is free from any appreciable Disease, and that Two at least of the Three shall have been effected with recent liquid Lymph: Provided also, that no such Certificate shall be in force for more than *One Year* from its Date.

Postponement of Vaccination.

XV. If a Public Vaccinator or other Medical Practitioner, shall be of opinion that any Child presented to him for Vaccination is not then in a fit State of Health to be vaccinated, he shall postpone the Operation for such Period as he shall deem necessary, and any Certificate of such Postponement, under his own Hand, in the Form given by Schedule C. to this Act, shall exempt such Parent or Guardian from any Penalty under this Act for the Period during which such Postponement shall have been directed: Provided always, that the Parent or Guardian shall bring or cause to be brought such Child to the Public Vaccinator or cause it to be attended by some other Medical Practitioner at or before the Expiration of the Period named in such Certificate, that Vaccination may be performed or a further Postponement allowed according to the Judgment of the Public Vaccinator or Medical Practitioner.

Vaccination of every Child in England on or after 1st January 1857, not already vaccinated or having had Small Pox.

XVI. The Parent or Guardian of every Child in England on or after the *First Day of January One thousand eight hundred and fifty-seven* who shall not already have been successfully vaccinated nor had Small Pox, shall, within *Four* Calendar Months after the Receipt of Notice to that Effect from the Guardians or Overseers, bring or cause to be brought the Child to the Public Vaccinator for the District in which the Child is residing, for the Purpose of being vaccinated, or have it vaccinated by some other Medical Practitioner, and shall, on the *Seventh* Day after that on which the Child has been so vaccinated, again bring or cause to be brought the said Child for Inspection by the Public Vaccinator, or cause the Child to be inspected by the Medical Practitioner by whom the Operation was performed, or by some legally qualified Medical Practitioner acting on his Behalf, in order that the Result of such Vaccination may be ascertained.

Lowest Payment for Public Vaccinator.

XVII. For every Person successfully vaccinated at the Residence of the Public Vaccinator, or within *Two* Miles therefrom by the nearest public Road, and whose successful Vaccination shall have been by him ascertained on Inspection, and certified as required by this Act, there shall be paid to the Public Vaccinator not less than *Two Shillings and Sixpence*, and for every Person successfully vaccinated by the Public Vaccinator at any Place more than *Two* Miles distant from such Residence, and whose successful Vaccination shall have been ascertained and certified as aforesaid, not less than *Three Shillings and Sixpence;* and the like Payment shall be made for every Certificate given by the said Public Vaccinator that a Child is insusceptible of Vaccine Disease when such Child shall have been vaccinated thrice at least, at Intervals of not less than *Two* Months, as by this Act provided: Provided always, that no such Payment as aforesaid shall be made by the Guardians or Overseers to the Public Vaccinator in respect of any Vaccination for which the Parent or Guardian of the Child shall make any Payment to the Public Vaccinator, and that no Payment shall be made by the Parent or Guardian of any Child to the Public Vaccinator in respect of any Vaccination for which Payment is charged to the Guardians or Overseers: Provided also, that the Public Vaccinator may, with the Consent of the Parent or Guardian of any Child requiring Vaccination, perform such Vaccination and Inspection, as required by this Act, at the Place of Residence of such Child, and shall be entitled in respect of such Vaccination and Inspection to the same Payment as if the Vaccination had been performed at the Place appointed for Vaccination nearest to the Residence of such Child.

Payment for Certificate of Vaccination or Insusceptibility to Vaccine Disease by other than Public Vaccinator.

XVIII. For every Certificate by any legally qualified Medical Practitioner, not being a Public Vaccinator, or by any Public Vaccinator in respect of any Vaccination performed by him otherwise than in his Capacity of Public Vaccinator, of successful Vaccination, or of Insusceptibility to Vaccine Disease after Three Vaccinations, at Intervals of not less than *Two* Months, in the Manner herein-before provided, there shall be paid by the said Guardians or Overseers to such Medical Practitioner the Sum of *One Shilling*.

Prescribing the Duties of Registrars in respect of Vaccination.

XIX. The following shall be the Duties of Registrars of Births and Deaths under this Act:

a. The Registrars of Births and Deaths in every Sub-District shall, on or within *Three* Days of the Registration of any Birth, deliver to the Parent or Guardian of the Child a Notice in or to the Effect of the Form given in Schedule D. to this Act, requiring Vaccination to be performed and certified within the Time prescribed by this Act, and shall, together therewith, deliver to such Person a Notice of the Days, Hours, and Places within the District of such Registrar at which the Public Vaccinators will attend for the Purpose of Vaccination; but the Absence of Proof of the Service of such Notices shall not invalidate any Proceedings that may be taken for Penalties under this Act:

b. The Registrar on receiving the Certificate of successful Vaccination required by this Act, or the Certificate that the Child is insusceptible of Vaccine Disease as provided by this Act, shall forthwith register the Fact so certified, and shall at all reasonable

able Times allow Searches to be made of any such Register in his keeping, and shall give a Copy, certified under his Hand, of any Entry or Entries in the same, on Payment of the Fee of *One Shilling* for every Search, and *Sixpence* for every Certificate:

c. The Registrar shall report weekly to such Guardians or Overseers as aforesaid all Cases in which the Period allowed for Vaccination has expired without the required Certificates having been given, except Cases in which the Death of the Child shall have been registered before the Expiration of the Period allowed for Vaccination, and shall send to such Guardians or Overseers all Certificates received by him of Insusceptibility to Vaccine Disease as aforesaid:

d. The Registrar shall send Notice to the Coroner having Jurisdiction in the Sub-District of the Death from Small Pox of all Children born since the Twentieth Day of August One thousand eight hundred and fifty-three which are registered by him; and such Notice shall be sent within Twelve Hours after Registration of the Death:

A Fee of *Threepence* shall be paid to such Registrar for every Child vaccinated or certified to be insusceptible of Vaccination as aforesaid, in respect of which he shall have performed the Duties required by this Act, and for every such Notice to the Coroner; and the said Fee shall be payable in the same Manner as the Fee now payable to such Registrar for registering the Birth of such Child, and shall be charged to the Parish in which the Child is resident at the Time of Vaccination.

Duties of Guardians or Overseers.

XX. The following shall be the Duties under this Act of the Guardians of any Parish or Union where there is a Board of Guardians, or the Overseers of any Parish in which Relief to the Poor shall not be administered by Guardians:

a. On Receipt from the Registrar of such Report as is required by the preceding Section, the Guardians or Overseers shall give notice (in or to the Effect of the Form given in Schedule E. to this Act) to the Parent or Guardian of the Child, in respect of which no such Certificate has been sent to the Registrar, requiring them, if the Child be unvaccinated at the Date of the Notice, to have it vaccinated by a Time specified in the Notice; and if the Child be proved to have been duly vaccinated, but no such Certificates as are required by this Act have been forwarded to the Registrar by the Medical Practitioner employed for Vaccination, then the Guardians or Overseers shall give notice to the Medical Practitioner so employed (in or to the Effect of the Form given in Schedule F. to this Act), requiring him, within a Time specified in the Notice, to furnish to the Registrar the required Certificates:

b. The Guardians or Overseers shall forward to the General Board of Health all Certificates of Insusceptibility to Vaccine Disease, and shall take such Course with respect thereto the said Board shall direct:

c. The Guardians or Overseers shall proceed for the Recovery of Penalties imposed by this Act, and the Fifty-ninth Section of the Act of the Seventh and Eighth Year of the Reign of Her present Majesty, Chapter One hundred and one, shall apply to all Proceedings for Penalties by such Guardians or Overseers.

Vaccination to take place after Notice.

XXI. On Receipt of Notice from the Guardians or Overseers under the preceding Section, by any Parent or Guardian or by any Medical Practitioner respectively, the Parent or Guardian of any Child unvaccinated at the Date of the Notice, and with respect to which no Certificate of Postponement of Vaccination has been given under this Act, shall cause such Child to be vaccinated within the Time specified in the Notice, and the Medical Practitioner not having sent any required Certificate shall send such Certificate within the Time specified in the Notice.

Books to be open to Inspection of General Board of Health.

XXII. All Books, Records, and Documents kept in pursuance of this Act, or the Acts hereby repealed, or of any Regulation made under the Authority of this Act, shall, at all reasonable Times, be open to the Inspection of the General Board of Health, or its Officers, who may make Extracts from or Copies of the same, and the Officers of the said Board may be present at any Vaccination performed by any Public Vaccinator.

Provision for Vaccination in Schools receiving Aid from Government Grant, Workhouses, Lunatic Asylums, and Prisons.

XXIII. It shall be lawful for the Managing Committees of Schools receiving Aid from Government Grants, the Masters of Workhouses, and Keepers of Lunatic Asylums, and Governors or Keepers of Prisons, to inquire into the Vaccination of Children attending such Schools, or the Inmates of such Workhouses, Asylums, or Prisons respectively, and to ascertain that all such Persons have been effectually vaccinated, and to direct the Vaccination of all such Persons therein as they find unvaccinated, or not possessing available Certificates of Insusceptibility under this Act by the Medical Officer or Practitioner attending the Inmates of such Workhouse, Asylum, or Prison, or where there is no such Medical Officer by the Public Vaccinator for the District in which such School, Workhouse, Lunatic Asylum, or Prison is situated; and it shall be lawful for any of Her Majesty's Inspectors of Schools, or for any Poor Law Inspector, Commissioner of Lunacy, or Inspector of Prisons, to inquire into the Vaccination of the Children attending such Schools, or the Inmates of such Workhouses, Asylums, or Prisons respectively, and to report thereon in any Report they are now by Law required or authorized to make.

Provisions for Vaccination on board of Emigrant Ships.

XXIV. It shall be lawful for the Medical Practitioner appointed by the Emigration Officer at any Port, under the Provisions of the Forty-fourth Section of "The Passengers Act, 1855," to certify as to the Health of the Passengers or Crew of any Vessel carrying Emigrants, to inquire into the Vaccination of the said Passengers or Crew, and the Emigration Officer shall have Power to require and provide for the Vaccination of any Persons on such Inquiry found unvaccinated, or not possessing available Certificates of Unsusceptibility under this Act, amongst the Passengers or Crew of such Vessel.

Vaccination Forms to be furnished to Registrar, and delivered by them to Medical Officers and Practitioners.

XXV. The Registrar General shall within *Three* Months after the passing of this Act frame and shall transmit from Time to Time to the Registrar of Births and Deaths in every Sub-district, such Books, Forms, and Regulations as may under this Act be required for the Purposes of Vaccination by the Public Vaccinators and other duly qualified Medical Practitioners in the Sub-district; and every such Registrar shall deliver to such Medical Officers and Practitioners respectively, without requiring Payment for the same, such of the said Books, Forms, and Regulations as they may require for the Performance of the Duties imposed upon them by this Act; and the Expenses to be incurred by the Registrar General for the Purposes of this Act shall be defrayed in the same Manner as Expenses incurred by him under the Act for registering Births, Deaths, and Marriages, in England: Provided always, that any Books, Forms, and Regulations which have been issued under any of the Acts hereby repealed may be used for the Purposes of this Act, with such Alteration as will accommodate them to the Purposes of this Act.

In case of Outbreak of Small Pox, General Board of Health to issue Regulations.

XXVI. It shall be lawful for the General Board of Health, when Small Pox is prevalent in any Part of England, to issue special Regulations and Directions with respect to the Steps to be taken for preventing the Spread of the Disease by Re-vaccination or otherwise; and the Poor Law Board shall have the same Power of enforcing the Execution by the Guardians or Overseers as aforesaid of such Regulations and Directions as they have under the Law in force for the Time being in relation to any Matter concerning the Administration of the Laws for the Relief of the Poor.

Provision for the holding of Coroner's Inquests in

XXVII. In the Case of the Death from Small Pox of any Child born since the Twentieth Day of August One thousand eight hundred and fifty-three, it shall be lawful for the Coroner having Juriscase of the Death by Small Pox of Children born since 20th August 1853.

diction in the Sub-district in which such Death may have been registered, on Receipt of a Notice of such Death from the Registrar of such Sub-district, to summon a Jury for the holding of an Inquest on the Body of such Child; and if it shall be proved on such Inquest to the Satisfaction of such Jury that such Child has not been vaccinated, and that the Vaccination of such Child was required by the Law in force at the Time of the Birth of the Child in the Place where its Birth was registered, and that the Parent or Guardian of the Child at the Time of its Death is the Person on whom devolved the Duty of having the Child vaccinated after Birth, the Jury shall find a Verdict accordingly, and the Coroner shall notify such Verdict to the Guardians or Overseers as aforesaid, who may thereupon proceed against such Parent or Guardian for the Recovery of the Penalty imposed by this Act.

Penalties.

XXIX. The Parent or Guardian of any Child born since the Twentieth Day of August One thousand eight hundred and fifty-three, not having caused such Child to be vaccinated, or not having procured a Certificate of Insusceptibility to Vaccine Disease, in the Manner provided by the Law in force in the Place of Residence of such Parent or Guardian, at the Time of the Birth of such Child, shall be liable to a Penalty not exceeding *Twenty Shillings:*

Every Person refusing or neglecting to comply with any Requirement of this Act shall be liable to a Penalty not exceeding *Twenty Shillings*, and in the Case of a continuing Refusal or Neglect, to a Penalty not exceeding *Five Shillings* for every Day during which such Neglect shall be continued from and after the Receipt of any Notice from the Guardians or Overseers under the Provisions of this Act:

Whosoever shall wilfully obstruct any Person acting under the Authority or employed in the Execution of this Act, or shall wilfully violate any Regulation or Direction of the General Board of Health issued under this Act, or shall refuse to allow Inspection by the General Board of Health or its Officers of Books, Records, or Documents kept in pursuance of the Acts relating to Vaccination or the making of Copies or Extracts therefrom, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*.

Persons inoculating or otherwise producing Small Pox to be liable to One Month's Imprisonment.

XXX. Any Person who shall produce or attempt to produce in any Person, by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully, by any other Means whatsoever, produce the Disease of Small Pox in any Person in England, shall be liable to be proceeded against and convicted summarily before any Two or more Justices of the Peace in Petty Sessions assembled, and for every such Offence shall, upon Conviction, be imprisoned in the Common Goal or House of Correction for any Term not exceeding *One Month*, and such Proceedings may be taken by the General Board of Health.

Recovery of Penalties.

XXXI. All Penalties imposed by this Act shall be recoverable before any Two Justices of the Peace for the County, City, Borough, or Place where the Offence may have been committed, and the Provisions of the Act of the Twelfth Year of the Reign of Her present Majesty, Chapter Forty-three, shall be applicable to the Recovery of such Penalties.

Application of Penalties.

XXXII. All Penalties recovered under this Act shall be applied in aid of the Funds applicable to the Relief of the Poor in the Union, Parish, or Place maintaining its own Poor, wherein the Offence may have been committed.

General Board of Health to report on Execution of Act.

XXXIII. The General Board of Health shall report annually to Parliament on the Execution of this Act, and may for that Purpose make by its Inspectors, Inquiry into the Execution of this Act, and all Arrangements for the Supply and Distribution of Vaccine Lymph, at the Public Expense, shall be under the Superintendence of the said Board.

Short Title of Act.

XXXIV. This Act shall be called the "Vaccination Act, 1856," and may be referred to by that Name in all legal or other Proceedings.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

I, the undersigned, hereby certify, that , the Child of , aged , of the Parish of in the County of has (*or** " that the Children, a List of whose Names, Ages, and Residences is sent herewith, have ") been successfully vaccinated by me.

** This Form may be used where a List of several Children is sent.*

Dated this Day of , 18 .

(Signed) *A.B.*
Public Vaccinator
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (B.)

I, the undersigned, hereby certify, that in my Opinion , the Child of , of the Parish of in the County of , having been Three Times vaccinated, at Intervals of not less than Two Months, in the Manner required by the " Vaccination Act, 1856," is for the Time unsusceptible of the Vaccine Disease.

Dated this Day of 18 .

(Signed) *A.B.*
Public Vaccinator
(*or other Medical Practitioner, as the Case may be*).

N.B.—This Certificate is in force for One Year only.

SCHEDULE (C.)

I, the undersigned, hereby certify, that in my Opinion , the Child of , of the Parish of in the County of , aged , is not now in a fit State to be vaccinated, and I do hereby postpone the Vaccination of the said to the Day of .

Dated this Day of , 18

(Signed) *A.B.*
Public Vaccinator,
(*or other Medical Practitioner, as the Case may be*).

SCHEDULE (D.)

I, the undersigned, hereby give you Notice and require you to have *C.D.* vaccinated within Four Months after the Birth of the said , pursuant to the Provisions and Directions of the "Vaccination Act, 1856."

As witness my Hand this Day of 18 .

J. B.
Registrar of Births and Deaths for the
Sub-district.

SCHEDULE (E.)

The Guardians of the Union (*or* the Overseers of the Parish of *where the Local Authority are Overseers and not Guardians*) hereby give you Notice and require you to have *C.D.* vaccinated on or before the Day of 18 , on pain of the Penalty provided by the "Vaccination Act, 1856."

(Signed) *A.B.*
Clerk to the said Guardians
(*or* Overseers, *as the Case may be*).

SCHEDULE (F.)

The Guardians of the Union (*or* Overseers of the Parish of , *as the Case may be*) hereby give you Notice and require you to furnish to the Registrar of the Sub-district of the Certificate relating to the Vaccination of *C.D.* on or before the Day of 185 , on pain of the Penalty provided by the "Vaccination Act, 1856."

(Signed) *A.B.*
Clerk to the said Guardians
(*or* Overseers, *as the Case may be*).

Vaccination.

A

BILL

To consolidate and to amend the Acts relating to Vaccination.

(Prepared and brought in by
Mr. Cowper and Mr. Bouverie.)

Ordered, by The House of Commons, *to be Printed,*
7 *March* 1856.

[Bill 67.]

Under 2 oz.

3 *July* 1856. 19 & 20 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Consolidate and to amend the Laws relating to Vaccination.

Preamble.

3 & 4 Vict. c. 29.

4 & 5 Vict. c. 32.

16 & 17 Vict. c. 100.

WHEREAS an Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, intituled "An "Act to extend the Practice of Vaccination:" And whereas an Act was passed in the Session of the Fourth and Fifth Years of Her Majesty, intituled "An Act to amend an Act to extend the "Practice of Vaccination:" And whereas an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the same Reign, intituled "An Act to extend and make compulsory the "Practice of Vaccination:" And whereas it is expedient that the Provisions of the said Acts in relation to Vaccination in England should be consolidated and amended, and that the compulsory Practice of Vaccination should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In this Act the following Words and Expressions have the following Meanings, except where such Meanings are inconsistent with the Context:

"Public Vaccinator" means the Medical Officer or Practitioner having a Contract for Vaccination with Guardians or Overseers under the firstly herein-before recited Act or this Act:

"Medical Practitioner" means a Person having a Licence or Diploma from some Body legally qualified to grant Licences or Diplomas for the Practice of Medicine or Surgery:

"Child" includes every Person up to the Age of Thirteen Years:

"Parent or Guardian of a Child" means the Father or Mother of the Child, or the Person having the Care, Nurture, or Custody of the Child, in consequence of the Death of the Parents or their Absence from any Cause rendering them incapable of the Care of the Child.

Repeal of existing Acts as to Vaccination from 1st Jan. 1857.

II. On the First Day of January One thousand eight hundred and fifty-seven the said Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty, in so far as the same relate to England, and the said Act of the Sixteenth and Seventeenth Years of Her Majesty, shall be repealed: Provided always, that Contracts for Vaccination entered into under the Powers of the said Acts shall continue as if the same had been entered into under the Powers of this Act until altered under the Powers of this Act, or until their Term has expired.

Act to be in force in England from 1st Jan. 1857.

III. This Act shall apply to England, and shall be in force from and after the First Day of January One thousand eight hundred and fifty-seven.

Expenses of Act.

IV. The Expenses of and incident to the Execution of this Act shall be defrayed as Part of the Expenses of Medical Relief in and for the Union or Parish where such Expenses are incurred; and the said Guardians or Overseers shall be entitled to Re-imbursement, in respect of such Expenses, in like Proportion and Manner as they are by the Law in Force for the Time being entitled to Re-imbursement in respect of the Salaries of Medical Officers.

Vaccination not to be considered Parochial Relief.

V. Provided always, That the Vaccination, or Surgical or Medical Assistance in consequence of Vaccination, of any Person resident in any Union or Parish, shall not be considered to be Parochial Relief, Alms, or charitable Allowance, and no such Person, or Member of the Family of such Person, shall by reason of such Vaccination or Assistance, be deprived of any Right or Privilege, or be subject to any Disability or Disqualification whatever.

Guardians and Overseers to contract for Vaccination.

VI. The Board of Guardians of every Parish or Union in which Relief to the Poor is administered by a Board of Guardians, or the Overseers of every Parish in which Relief to the Poor is not administered by Guardians, may and shall with the Approval of the General Board of Health, contract with any legally qualified Medical Practitioner for the Vaccination of Persons resident in their Unions or

Parishes respectively, and shall transmit Copies of all such Contracts for the Approval of the General Board of Health : Provided always, that it shall be a Condition of every such Contract that the Amount of the Remuneration to be received under it shall depend on the Number of Persons who, not having been successfully vaccinated, shall be successfully vaccinated by the Public Vaccinator, or be certified to be insusceptible of Vaccine Disease, as herein-after provided.

Guardians and Overseers to set out Vaccination Districts and Places for Vaccination.

VII. The Guardians or Overseers shall, subject to the Approval of the General Board of Health, appoint convenient Places in their respective Unions or Parishes for the Purposes of Vaccination, and take effectual Means for giving due Notice, from Time to Time, to all Persons resident within such Unions or Parishes, of the Days and Hours at which the Public Vaccinators will attend at such Places to vaccinate all Persons not already successfully vaccinated who may appear there, and also of the Days and Hours at which the Public Vaccinators will attend at such Places to inspect the Progress of Vaccination in the Persons so vaccinated, and the said Guardians or Overseers may, from Time to Time, subject to such Approval as aforesaid, alter such Arrangements as may be found desirable.

During Winter Months Guardians may require Vaccination at the Residence of any Child.

VIII. Provided always, That in any Contract entered into with a Public Vaccinator under this Act, the Guardians or Overseers may require that during the Months of November, December, January, and February the Public Vaccinator shall, on receiving the Direction of the Guardians or Overseers to that Effect, vaccinate and inspect, in the Manner required by this Act, any new-born Child requiring Vaccination in any District beyond the Boundaries of a City, Borough, or Town, at the Place of Residence of such Child, instead of the Place appointed for Vaccination under this Act.

Annulling of Vaccination Contracts.

IX. Unless the Contract with any Public Vaccinator under this Act shall be annulled by the General Board of Health within One Month after the Receipt at the Office of the said Board of a Copy of such Contract, such Contract shall thenceforth not be liable to be annulled by the said Board without the Consent of the Guardians or Overseers, or without Proof given to the Satisfaction of the said Board of Incapacity or Neglect of any Public Vaccinator, in either of which Cases such Contract may be annulled by Order under Seal of the said Board.

Public Vaccinator to send Lists to Guardians or Overseers.

X. The Public Vaccinator shall every Month transmit to the Guardians or Overseers a List, in or to the Effect of the Form given in Schedule (A.) to this Act, of the Children successfully vaccinated by him, or certified to be insusceptible of Vaccine Disease, as herein-after provided, with their Ages and Residences, and the Names in such List shall, as far as is practicable, be arranged in Order of Age.

Parents or Guardians of Children in England on or after 1st January 1857 to have them vaccinated forthwith or within Four Months after Birth.

XI. The Parent or Guardian of every Child in England, on and after the First Day of January One thousand eight hundred and fifty-seven, who shall not already have been successfully vaccinated or have had Small Pox, shall forthwith, or within Four Months after the Birth of the Child, bring or cause to be brought the Child for Vaccination to the Public Vaccinator appointed in and for that Part of the Union or Parish in which the Child is resident, unless the Child shall have been previously vaccinated by some other Medical Practitioner; and the said Public Vaccinator shall thereupon, or as soon as may be proper and convenient, vaccinate such Child.

Inspection to be made after Vaccination.

XII. Upon the Seventh Day after the Day of Vaccination the Parent or Guardian of the Child shall again bring or cause to be brought the Child for Inspection by the Public Vaccinator or have the Child inspected by the other Medical Practitioner by whom the Child has been vaccinated, or by some legally qualified Medical Practitioner acting on his Behalf, in order that the Result of such Vaccination may be ascertained and registered.

Revaccination to be performed when First Vaccination unsuccessful.

XIII. If a Public Vaccinator or other Medical Practitioner who shall have vaccinated any Child shall ascertain, on such Inspection as is required by the preceding Section, that the said Vaccination has not been successful, he shall thereupon, or as soon after as he shall think fit, again vaccinate the said Child, and the Parent or Guardian shall bring the same Child for such Inspection, or obtain Inspection of the Child, on the Seventh Day after the Day of such Second Vaccination, and so on as often as need be, until the said Child shall have been successfully vaccinated, or till a Certificate of Insusceptibility to Vaccine Disease be given in the Manner provided by this Act.

Certificate of Vaccination or of Insusceptibility to Vaccine Disease to be given, if required, to Parent or Guardian.

XIV. Every Public Vaccinator, after completing the successful Vaccination of any Child, shall, if required, furnish to the Parent or Guardian of such Child a Certificate in or to the Effect of the Form given in Schedule (B.) to this Act; and if any Child shall after Three Vaccinations, at Intervals of not less than Two Months, prove for the Time insusceptible of Vaccine Disease, such Public Vaccinator shall furnish to the Parent or Guardian of such Child a Certificate of such Insusceptibility, in or to the Effect of the Form given in Schedule (C.) to this Act: Provided always, that such Three Vaccinations shall have been performed when the Child is free from any appreciable Disease, and that Two at least of the Three shall have been effected with recent liquid Lymph: Provided also, that no such Certificate shall be in force for more than One Year from its Date.

Postponement of Vaccination.

XV. If a Public Vaccinator or other Medical Practitioner, shall be of opinion that any Child presented to him for Vaccination is not then in a fit State of Health to be vaccinated, he shall postpone the Operation for such Period as he shall deem necessary, and any Certificate of such Postponement, under his own Hand, in the Form given by Schedule (D.) to this Act, shall exempt such Parent or Guardian from any Penalty under this Act for the Period during which such Postponement shall have been directed: Provided always, that the Parent or Guardian shall bring or cause to be brought such Child to the Public Vaccinator or cause it to be attended by some other Medical Practitioner at or before the Expiration of the Period named in such Certificate, that Vaccination may be performed or a further Postponement allowed according to the Judgment of the Public Vaccinator or Medical Practitioner.

Lowest Payment for Public Vaccinator.

XVI. For every Person successfully vaccinated at the Residence of the Public Vaccinator, or within Two Miles therefrom by the nearest public Road, and whose successful Vaccination shall have been by him ascertained on Inspection, and certified as required by this Act, there shall be paid to the Public Vaccinator not less than Two Shillings and Sixpence, and for every Person successfully vaccinated by the Public Vaccinator at any Place more than Two Miles distant from such Residence, and whose successful Vaccination shall have been ascertained and certified as aforesaid, not less than Three Shillings and Sixpence; and the like Payment shall be made for every Certificate given by the said Public Vaccinator that a Child is insusceptible of Vaccine Disease when such Child shall have been vaccinated thrice at least, at Intervals of not less than Two Months, as by this Act provided: Provided always, that no such Payment as aforesaid shall be made by the Guardians or Overseers to the Public Vaccinator in respect of any Vaccination for which the Parent or Guardian of the Child shall make any Payment to the Public Vaccinator, and that no Payment shall be made by the Parent or Guardian of any Child to the Public Vaccinator in respect of any Vaccination for which Payment is charged to the Guardians or Overseers: Provided also, that the Public Vaccinator may, with the Consent of the Parent or Guardian of any Child requiring Vaccination, perform such Vaccination and Inspection, as required by this Act, at the Place of Residence of such Child, and shall be entitled in respect of such Vaccination and Inspection to the same Payment as if the Vaccination had been performed at the Place appointed for Vaccination nearest to the Residence of such Child.

Books to be open to Inspection of General Board of Health.

XVII. All Books, Records, and Documents kept in pursuance of this Act, or the Acts hereby repealed, or of any Regulation made under the Authority of this Act, shall, at all reasonable Times, be open to the Inspection of the General Board of Health, or its Officers, who may make Extracts from or Copies of the same, and the Officers of the said Board may be present at any Vaccination performed by any Public Vaccinator.

Provision for Vaccination in Schools receiving Aid from Government Grant, Workhouses, Lunatic Asylums, and Prisons.

XVIII. It shall be lawful for the Managing Committees of Schools receiving Aid from Government Grants, the Masters of Workhouses, and Keepers of Lunatic Asylums, and Governors or Keepers of Prisons, to inquire into the Vaccination of Children attending such Schools, or the Inmates of such Workhouses, Asylums, or Prisons respectively, and to ascertain that all such Persons have been effectually vaccinated, and to direct the Vaccination of all such Persons therein as they find unvaccinated, or not possessing available Certificates of Insusceptibility under this Act by the Medical Officer or Practitioner attending the Inmates of such Workhouse, Asylum, or Prison, or where there is no such Medical Officer by the Public Vaccinator for the District in which such School, Workhouse, Lunatic Asylum, or Prison is situated; and it shall be lawful for any of Her Majesty's Inspectors of Schools, or for any Poor Law Inspector, Commissioner of Lunacy, or Inspector of Prisons, to inquire into the Vaccination of the Children attending such Schools, or the Inmates of such Workhouses, Asylums, or Prisons respectively, and to report thereon in any Report they are now by Law required or authorized to make.

Provisions for Vaccination on board of Emigrant Ships.

XIX. It shall be lawful for the Medical Practitioner appointed by the Emigration Officer at any Port, under the Provisions of the Forty-fourth Section of "The Passengers Act, 1855," to certify as to the Health of the Passengers or Crew of any Vessel carrying Emigrants, to inquire into the Vaccination of the said Passengers or Crew, and the Emigration Officer shall have Power to require and provide for the Vaccination of any Persons on such Inquiry found unvaccinated, or not possessing available Certificates of Unsusceptibility under this Act, amongst the Passengers or Crew of such Vessel.

Penalties.

XX. The Parent or Guardian of any Child born since the Twentieth Day of August One thousand eight hundred and fifty-three, not having caused such Child to be vaccinated, or not having procured a Certificate of Insusceptibility to Vaccine Disease, in the Manner provided by the Law in force in the Place of Residence of such Parent or Guardian, at the Time of the Birth of such Child, and every Person refusing or neglecting to comply with any Requirement of this Act, shall be liable to a Penalty not exceeding Twenty Shillings:

Whosoever shall wilfully obstruct any Person acting under the Authority or employed in the Execution of this Act, or shall wilfully violate any Regulation or Direction of the General Board of Health issued under this Act, or shall refuse to allow Inspection by the General Board of Health or its Officers of Books, Records, or Documents kept in pursuance of the Acts relating to Vaccination or the making of Copies or Extracts therefrom, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Persons inoculating or otherwise producing Small Pox to be liable to One Month's Imprisonment.

XXI. Any Person who shall produce or attempt to produce in any Person, by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully, by any other Means whatsoever, produce the Disease of Small Pox in any Person in England, shall be liable to be proceeded against and convicted summarily before any Two or more Justices of the Peace in Petty Sessions assembled, and for every such Offence shall, upon Conviction, be imprisoned in the Common Gaol or House of Correction for any Term not exceeding One Month, and such Proceedings may be taken by the General Board of Health.

Recovery of Penalties.

XXII. All Penalties imposed by this Act shall be recoverable before any Two Justices of the Peace for the County, City, Borough, or Place where the Offence may have been committed, and the Provisions of the Act of the Twelfth Year of the Reign of Her present Majesty, Chapter Forty-three, shall be applicable to the Recovery of such Penalties; and Guardians or Overseers may take Proceedings for the Recovery of such Penalties; and the Cost of such Proceedings, and any Remuneration made to Clerks of Boards of Guardians for Duties devolving upon them under the Provisions of this Act, shall be considered Expenses incident to the Execution of this Act.

Application of Penalties.

XXIII. All Penalties recovered under this Act shall be applied in aid of the Funds applicable to the Relief of the Poor in the Union, Parish, or Place maintaining its own Poor, wherein the Offence may have been committed.

General Board of Health to report on Execution of Act.

XXIV. All Reports submitted to Her Majesty by the General Board of Health on the Execution of this Act shall be laid before both Houses of Parliament, and the Board may for the Purpose of such

such Reports make, by its Inspectors, Inquiry into the Execution of this Act, and all Arrangements for the Supply and Distribution of Vaccine Lymph, at the Public Expense, shall be under the Superintendence of the said Board; and the said Board may from Time to Time issue General Orders and Instructions as to the Proceedings and Precautions to be adopted by Public Vaccinators in the Performance of Vaccination.

Short Title of Act.

XXV. This Act shall be called the "Vaccination Act, 1856," and may be referred to by that Name in all legal or other Proceedings.

SCHEDULES referred to by this Act.

SCHEDULE (A.)

The following is the List of Children successfully vaccinated, or certified to be insusceptible of Vaccine Disease, by me, in the Union [*or* Parish] of in the County of from the Day of to this Date.

	Age.	Residence.	Result.
A. B.	3 Months	Coppice Row, No.	Successful or Insusceptible.
C.D.	2 Months	Woodend Cottage.	

Dated this Day of
(Signed) *A.B.*
Public Vaccinator.

SCHEDULE (B.)

I, the undersigned, hereby certify, that *A. B.*, the Child of , born , in the Parish of in the County of was successfully vaccinated by me on

Dated this Day of , 18 .
(Signed) *A.B.*
Public Vaccinator.

SCHEDULE (C.)

I, the undersigned, hereby certify, that in my Opinion , the Child of , of the Parish of in the County of , having been Three Times vaccinated, at Intervals of not less than Two Months, in the Manner required by the "Vaccination Act, 1856," is for the Time unsusceptible of the Vaccine Disease.

Dated this Day of 18 .
(Signed) *A.B.*
Public Vaccinator.

N.B.—This Certificate is in force for One Year only.

SCHEDULE (D.)

I, the undersigned, hereby certify, that in my Opinion , the Child of , of the Parish of in the County of , aged , is not now in a fit State to be vaccinated, and I do hereby postpone the Vaccination of the said to the Day of .

Dated this Day of , 18 .

(Signed) *A.B.*
Public Vaccinator.

Vaccination.

A
BILL
[AS AMENDED IN COMMITTEE]

To consolidate and to amend the Laws relating to Vaccination.

(Prepared and brought in by Mr. Cowper and Mr. Bouverie.)

Ordered, by The House of Commons, *to be Printed,*
3 July 1856.

[Bill 218.]

Under 2 oz.

25 *February* 1856. 19 Vict.

A

BILL

INTITULED

An Act for the Appointment of a Vice-President of the Committee of Council on Education.

[Note.—The Words printed in Red Ink are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: It shall be lawful for Her Majesty, from Time to Time, by Warrant under Her Royal Sign Manual, to appoint any Member of Her Most Honourable Privy Council to be during Her Pleasure Vice-President of the Committee of the said Privy Council on Education, and to direct that a Salary not exceeding Pounds per Annum be paid to such Vice President; and such Vice President shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

Power to appoint a Vice-President of the Committee of Council on Education.

Salary.

Vice-President may sit in the House of Commons.

Vice-President of Committee of Council on Education.

A

B I L L

INTITULED

An Act for the Appointment of a Vice-President of the Committee of Council on Education.

(*Brought from the Lords* 21 *February* 1856.)

Ordered, by The House of Commons, *to be Printed,*
25 *February* 1856.

[Bill 51.]

Under 1 *oz.*

2 *May* 1856. 19 Vict.

A
BILL
TO

Authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases.

WHEREAS an Act was passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter One hundred and twenty-five: And whereas another Act was passed in the Fifth and Sixth Years of the Reign of His said late Majesty, Chapter Fifty-one: And whereas another Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, Chapter Seventeen: And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Thirty-eight: And whereas it is expedient that the Commissioners for the carrying into execution the above-mentioned Acts should have such further Powers as are herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Preamble.
2 & 3 W. 4. c. 125.
5 & 6 W. 4. c. 51.
3 & 4 Vict. c. 40.
7 Vict. c. 17.
8 & 9 Vict. c. 50.
11 & 12 Vict. c. 38.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners may grant Extension of Time on certain Conditions.

I. It shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts and this Act, or any Three of them, to grant any Extension of the Time limited for the Repayment of any Loan which shall have been made under the Authority of the aforesaid Acts, or any Part of any such Loan, so as such Extension of Time shall be made in every Case on Condition that the whole Amount of such Loan shall be secured to be paid by Instalments of such Amount as the said Commissioners shall think fit, and so as in every Case of Extension of Time under the Powers of this Act such further Security be given as the said Commissioners shall think proper; and any such Extension of Time may be made upon such other Terms and Conditions (if any) as the said Commissioners may require, and every such further Security shall be made in such Form and to such Person or Persons as the said Commissioners shall direct: Provided, nevertheless, that no such Extension of Time shall be granted in pursuance of the Powers of this Act, except with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Two or more of the Commissioners of Her Majesty's Treasury for the Time being; provided also, that every Application for such Extension of Time be made in Writing within *Two* Years from the passing of this Act.

Applications for Extension to be made within Two Years.

Extension of Time not to prejudice existing Securities.

II. No such Extension of Time to be granted as aforesaid shall in anywise alter or prejudice the existing Security for any Loan either originally made or under any Extension of Time already made, and the same, except as the same may be agreed to be altered by the said Commissioners under the Powers of this Act, shall be and remain in full Force in every respect as if no Extension of Time had been granted under the Powers of this Act.

West India Loans.

A

BILL

To authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases.

(*Prepared and brought in by*
Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
2 *May* 1855.

[Bill 121.]

Under 1 *oz.*

23 *May* 1856. 19 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases.

[Note.—*Clause A. was added in Committee.*]

Preamble. 2 & 3 W. 4. c. 125. 5 & 6 W. 4. c. 51. 3 & 4 Vict. c. 40. 7 Vict. c. 17. 8 & 9 Vict. c. 50. 11 & 12 Vict. c. 38.

WHEREAS an Act was passed in the Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter One hundred and twenty-five: And whereas another Act was passed in the Fifth and Sixth Years of the Reign of His said late Majesty, Chapter Fifty-one: And whereas another Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, Chapter Seventeen: And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Thirty-eight: And whereas it is expedient that the Commissioners for the carrying into execution the above-mentioned Acts should have such further Powers as are herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners may grant Extension of Time on certain Conditions.

I. It shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts and this Act, or any Three of them, to grant any Extension of the Time limited for the Repayment of any Loan which shall have been made under the Authority of the aforesaid Acts, or any Part of any such Loan, so as such Extension of Time shall be made in every Case on Condition that the whole Amount of such Loan shall be secured to be paid by Instalments of such Amount as the said Commissioners shall think fit, and so as in every Case of Extension of Time under the Powers of this Act such further Security be given as the said Commissioners shall think proper; and any such Extension of Time may be made upon such other Terms and Conditions (if any) as the said Commissioners may require, and every such further Security shall be made in such Form and to such Person or Persons as the said Commissioners shall direct: Provided, nevertheless, that no such Extension of Time shall be granted in pursuance of the Powers of this Act, except with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Two or more of the Commissioners of Her Majesty's Treasury for the Time being; provided also, that every Application for such Extension of Time be made in Writing within Two Years from the passing of this Act.

Applications for Extension to be made within Two Years.

CLAUSE A. On Payment of Interest due Commissioners to forbear compelling Payment of Principal, upon certain Conditions.

II. From and after Payment (if made within Six Calendar Months from the passing of this Act) of all Interest which may be due at the Time of the passing thereof in respect of any such Loan, the said Commissioners for the Time being acting in the Execution of the said recited Acts and this Act shall forbear from compelling Payment of the Principal Monies due in respect of such Loan as long as One Tenth Part of the Principal Monies which may be due or owing in respect of any such Loan at the passing of this Act, together with Interest thereon, or on so much thereof as may from Time to Time remain unpaid, be paid annually, the First of such annual Payments to begin and be made at the Expiration of One Year from the passing of this Act; and for the Purposes of this Provision no Grant of Extension of Time shall be necessary; but if Default shall be made in Payment of any Instalment or any Interest contrary to this Provision, the Principal and Interest remaining unpaid at the passing of this Act, or at the Time of such Default, as the Case may be, shall become immediately due and payable and be recoverable in the same Manner as if this Act had not been passed.

III. No such Extension of Time to be granted as aforesaid shall in anywise alter or prejudice the existing Security for any Loan either originally made or under any Extension of Time already made, and the same, except as the same may be agreed to be altered by the said Commissioners under the Powers of this Act, shall be and remain in full Force in every respect as if no Extension of Time had been granted under the Powers of this Act.

Extension of Time not to prejudice existing Securities.

West India Loans.

A

BILL

[AS AMENDED IN COMMITTEE]

To authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases.

(Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,*
23 *May* 1856.

[Bill 148.]

Under 1 *oz.*

4 *March* 1856. 19 VICT.

A

BILL

TO

Amend the Whichwood Disafforesting Act, 1853.

Preamble.

WHEREAS by the Whichwood Disafforesting Act, 1853, it was amongst other things provided, that the Commissioners therein mentioned should ascertain the Boundaries of the said Forest, and should set out and award such Parts of the said Forest for Common Fields and Common of Pasture, as therein mentioned; and on making their Award, the said Forest should be for ever thereafter disafforested, and the Forestal Rights of Her Majesty were to cease, as therein is mentioned: And whereas, it is expedient that certain of the Provisions of the said Act should be altered and amended, and that further Powers should be granted to the said Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Time for making the Award extended to 1st August 1857.

I. The Time by the said Act directed for making the Award of the Commissioners, to be appointed as therein is mentioned, and acting under the said Act, shall be and is hereby extended until the *First Day of August One thousand eight hundred and fifty-seven.*

II. It

The Commissioners may allot Parts of Purlieu Commons or Coppices to the Crown, in exchange for Portions of the Forest.

II. It shall be lawful for the said Commissioners, with the Consent of Her Majesty, Her Heirs and Successors, and the Owner or Owners for the Time being entitled to the Soil of the Purlieu Commons or Purlieu Coppices adjoining to the said Forest, to allot any Part of the said Purlieu Commons or Purlieu Coppices unto Her Majesty, Her Heirs, Successors, and Assigns, freed, exonerated, and for ever discharged from all Rights of Common, and all Rights of what Nature and Kind soever, of any Person or Persons whomsoever, in exchange for any Part or Parts of the said Forest; and the Part of the said Forest which may be so given in exchange to any such Owner or Owners as aforesaid shall be allotted in all respects as the Commissioners think fit as and for permanent Common, as by the said Act is provided with respect to the Parts of the said Forest which they are authorized or directed to allot as permanent Common; the Consent to any such Allotment as last aforesaid to be given on the Part of Her Majesty, Her Heirs or Successors, shall be given by the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them; and the Person or Persons who shall be considered as the Owner or Owners for the Time being shall be the Persons who are by the Sixteenth Section of the Act passed in the Session held in the Eighth and Ninth Years of Her Majesty's Reign, Chapter One hundred and eighteen, defined to be Persons interested in Land.

The Commissioners may exchange Parts of Lord Churchill's Purlieu Commons or Coppices for Portions of the Forest.

III. It shall be lawful for the said Commissioners, with the Consent of Lord Churchill in the said Act mentioned, or, in case of his Death, with the Consent of the Person or Persons mentioned in the Twenty-third Section of the Whichwood Disafforesting Act, 1853, to exchange any Part of the Purlieu Commons or Purlieu Coppices of which the said Lord Churchill claims to be Owner of the Soil, for any Part of the said Forest which the said Commissioners may allot as permanent Common, and the Part so allotted to the said Lord Churchill, and so exchanged as aforesaid, shall go and be held as Part of that permanent Common in the Soil of which the said Lord Churchill is to be entitled as the said Commissioners shall direct; and the said Allotment Part of the said Forest to be given in exchange to the said Lord Churchill shall be held by the said Lord Churchill in all respects as Part of the Allotment to be made to him of the said Purlieu Coppices.

Commissioners to determine what Portion of the Forest shall constitute the Parish of Whichwood.

IV. The said Commissioners shall by their Award determine what Portion or Portions of the said Forest shall constitute the Parish of Whichwood, and shall fix the Boundary of such Parish, and their Decision as regards such Boundary shall be final.

V. It shall not be obligatory on the said Commissioners to cause all or any of the Roads or Ways which, in pursuance of the said Whichwood Disafforesting Act, 1853, they may set out and allot, either to be made or formed.

Roads may be set out without being made.

VI. It shall be lawful for the said Commissioners, at their sole Discretion, to sell so much and such Part or Parts of the said Forest or the Purlieus thereof as they shall think necessary, to raise a Fund sufficient to defray such Costs, Charges, and Expenses as they shall determine to have been properly incurred by them or on their Behalf in carrying out the Provisions of this Act, for which Purpose their Conveyance shall vest an indefeasible Estate of Inheritance in the Purchaser or Purchasers; and the Receipts in Writing of the said Commissioners, or any Two of them, shall be a sufficient Discharge for all Purchase Monies; and no Purchaser shall be bound to inquire as to the Propriety of any such Sale; and the said Commissioners shall, by and out of such Fund, pay all such Costs, Charges, and Expenses, and shall pay the Surplus (if any) to the said Commissioners of Woods, Forests, and Land Revenues, as Part of the Land Revenues of Her Majesty.

Commissioners empowered to sell Land to defray Expenses.

VII. Subject to the Provisions herein contained, all and every the Provisions of the said Whichwood Disafforesting Act, 1853, shall remain in force, and as if this Act had not been passed.

Whichwood Forest Disafforesting Act, 1853, as amended by this Act, to remain in force.

VIII. It shall be sufficient for all Purposes to cite this Act as "The Whichwood Disafforesting Amendment Act, 1856."

Short Title.

Whichwood Forest.

A

B I L L

To amend the Whichwood Disafforesting Act, 1853.

(*Prepared and brought in by*
Mr. Wilson and the Chancellor of the Exchequer

Ordered, by The House of Commons, *to be Printed,*
4 *March* 1856.

[Bill 65.]

Under 1 *oz.*

28 *April* 1856. 19 Vict.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Whichwood Disafforesting Act, 1853.

The Clauses marked A. B. *and* C. *were added by the Select Committee.*

Preamble.

WHEREAS by the Whichwood Disafforesting Act, 1853, it was amongst other things provided, that the Commissioners therein mentioned should ascertain the Boundaries of the said Forest, and should set out and award such Parts of the said Forest for Common Fields and Common of Pasture, as therein mentioned; and on making their Award, the said Forest should be for ever thereafter disafforested, and the Forestal Rights of Her Majesty were to cease, as therein is mentioned: And whereas, it is expedient that certain of the Provisions of the said Act should be altered and amended, and that further Powers should be granted to the said Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Time for making the Award extended to 1st August 1857.

I. The Time by the said Act directed for making the Award of the Commissioners, to be appointed as therein is mentioned, and acting under the said Act, shall be and is hereby extended until the First Day of August One thousand eight hundred and fifty-seven.

Clause A. The Commissioners may allot Parts of Purlieu Commons or Coppices to the Crown, in Exchange for Portions of the Forest.

II. The Commissioners may by their Award allot to Her Majesty, Her Heirs, Successors, and Assigns, any Parts of the Purlieu Coppices or Purlieu Wastes adjoining to the Forest, in Exchange for any Lands, Portion of the Forest, and the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty shall thenceforward be free from all Rights of Common and other Rights, of what Nature or Kind soever, and if any Rights of Common or other Rights attached to the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty such Rights shall after such Allotment attach to the Forest Lands allotted in lieu thereof; but no such Allotment by way of Exchange shall be made by the Commissioners without the Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, acting on the Part of Her Majesty, Her Heirs and Successors, and also the Consent of the Persons having such Interest in the Soil of the Purlieu Coppices or Purlieu Wastes so to be allotted in Exchange as would render them Persons interested in Land within the Definitions contained in "the Acts for the Inclosure, Exchange, and Improvement of Land."

Clause B. Commissioners may set out Purlieu Lands as Common Fields, and exonerate Lord Churchill's Allotment of Forest Land in Compensation.

III. The Commissioners may, with the Consent of the Lord Churchill, in the said Act mentioned, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "Whichwood Disafforesting Act, 1853," allot and set out as Common Fields, for the exclusive Pasturage of the Commonable Cattle and Sheep of Persons having Rights of Common and Sheepwalks respectively over the said Forest any Parts of the Purlieu Wastes and Purlieu Coppices of which the Lord Churchill is or claims to be Owner of the Soil, making to the Lord Churchill adequate Compensation in Respect of such Allotment of exclusive Pasturage, by exonerating from Rights of Common all or any Portion of the Forest Land allotted to the Lord Churchill by virtue of the Powers conferred on the Commissioners by the Seventh Section of the "Whichwood Disafforesting Act, 1853;" but such Allotment of Purlieu Lands as Common Fields shall not affect the Lord Churchill's Title or Claim to the Ownership of the Soil of such Purlieu Lands.

Clause C. Commissioners may transfer Rights of Common, &c. to other Portions of Lord Churchill's Lands.

IV. The Commissioners may, if they shall deem it expedient, for the Convenience of the Commoners, and with the Consent of the Lord Churchill, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "Whichwood Disafforesting Act, 1853," by their Award exonerate any Lands within the Purlieus adjoining to the said Forest whereof the Lord Churchill now is or by virtue of the Allotments to be made by the Commissioners Award may become Owner, or any Lands within the said Forest whereof the said Lord Churchill by virtue of the Allotments to be made under the said Award may become Owner, from any Rights of Common or other Rights, and place such Rights of Common or other Rights upon any other Lands whereof the Lord Churchill now is or by virtue of the Allotments made by the Commissioners Award may become Owner, and the Declaration of the said Commissioners to this Effect in their Award shall be valid and effectual for this Purpose, and binding upon all Parties.

Commissioners to determine what Portion of the Forest shall constitute the Parish of Whichwood.

V. The said Commissioners shall by their Award determine whether the whole or what Portion or Portions of the said Forest shall constitute the Parish of Whichwood, and shall fix the Boundary of such Parish, and their Decision as regards such Boundary shall be final.

Roads may be set out without being made.

VI. It shall not be obligatory on the said Commissioners to cause all or any of the Roads or Ways which, in pursuance of the said Whichwood Disafforesting Act, 1853, they may set out and allot, either to be made or fenced; and the Award of the said Commissioners alone shall be sufficient and conclusive Evidence that all Roads and Ways therein mentioned to be set out and allotted have been duly and properly set out and allotted, and that all such Roads so set out and allotted, and therein mentioned to have been made and fenced by the said Commissioners, have been duly and properly made and fenced.

Commissioners empowered to sell Land to defray Expenses.

VII. It shall be lawful for the said Commissioners, at their sole Discretion, to sell so much and such Part or Parts of the said Forest or the Purlieus thereof as they shall think necessary, to raise a Fund sufficient to defray such Costs, Charges, and Expenses as they shall determine to have been properly incurred by them or on their Behalf in carrying out the Provisions of this Act, for which Purpose their Conveyance shall vest an indefeasible Estate of Inheritance in the Purchaser or Purchasers; and the Receipts in Writing of the said Commissioners, or any Two of them, shall be a sufficient Discharge for all Purchase Monies; and no Purchaser shall be bound to inquire as to the Propriety of any such Sale; and the said Commissioners shall, by and out of such Fund, pay all such Costs, Charges, and Expenses, and shall pay the Surplus (if any) to the said Commissioners of Woods, Forests, and Land Revenues, as Part of the Land Revenues of Her Majesty.

Whichwood Forest Disafforesting Act, 1853, as amended by this Act, to remain in force.

VIII. Subject to the Provisions herein contained, all and every the Provisions of the said Whichwood Disafforesting Act, 1853, shall remain in force, and as if this Act had not been passed.

Short Title.

IX. It shall be sufficient for all Purposes to cite this Act as "The Whichwood Disafforesting Amendment Act, 1856."

Whichwood Forest.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Whichwood Disafforesting Act, 1853.

(*Prepared and brought in by*
Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed*,
28 *April* 1856.

[Bill 112.]

Under 1 *oz.*

Wills and Administrations Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

MISCELLANEOUS CLAUSES:

- Interpretation Clause; Sect. 1.
  - Will; Administration; Matters and Causes Testamentary; The Court; The Court of Chancery; Accountant General; The Prerogative Court; Prerogative Office; County Court; Lord Chancellor; Person; Superior Courts; The Testamentary Office.
- Short Title; Sect. 2.
  - The Testamentary Jurisdiction Act, 1856.
- Limit of Act; Sect. 3.
  - Not to extend to Scotland or Ireland, except as to Probates and Administrations.
- Commencement of Act; Sect. 4.
  - Act to commence on or after 1st January 1857, as Her Majesty shall appoint.
- Testamentary Jurisdiction of Ecclesiastical and other Courts abolished; Sect. 5.

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    - Testamentary Jurisdiction vested in Her Majesty's Court of Probate and Administration; Sect. 6.
    - to have equal Jurisdiction with Court of Chancery with respect to the Construction of Wills and Administration of Assets; Sect. 7.
    - may enforce its Orders, Decrees, and Judgments in like Manner as the Superior Courts at Westminster; Sect. 8.
  - Sittings of; Sect. 9.
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  - to be appointed by the Lord Chancellor; Sect. 24.
  - to take an Oath before entering on the Duties of their Office; Sect. 25.
  - Officers of Prerogative Court to be appointed to Offices under this Act; Sect. 26.
- Principal Registrar, Duties and Qualifications of; Sect. 27.
  - Qualification of future Registrars and Official Proctors; Sect. 28.
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- Admission of Proctors as Solicitors; Sect. 32.
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(B.) Form of Affidavit and Schedule of Personal Estate.
(C.) Form of Inventory.
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(E.) Salaries of Principal Registrar, Registrars, Official Proctors, and Commissioners.
(F.) Table of Probate Fees.
(G.) Table of Administration Fees.

14 *March* 1856. 19 VICT.

A

BILL

TO

Abolish the Jurisdiction of all the Ecclesiastical and Peculiar Courts in England and Wales in all Matters relating to Wills and Administrations, to establish a distinct Court of Probate, and otherwise amend the Law in relation to the Administration of the Estates of deceased Persons.

WHEREAS it is expedient that the Jurisdiction of granting Probates of Wills and Letters of Administration of the Effects of deceased Persons should cease to be exercised by Ecclesiastical, Manorial, and other Courts in England, and that such Jurisdiction should be exercised by Her Majesty in a Court to be established for that Purpose; and it is also expedient that the Law with respect to Matters and Causes Testamentary should be amended in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows: Preamble.

Interpretation Clause.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning hereto assigned to them; (that is to say,)

Will:

"Will" shall comprehend "Testament," "Codicil," "Appointment "by Will or Writing in the Nature of a Will, and all other "Testamentary Instruments and Papers of which Probate may "now be granted:"

Administration:

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, Administrations de bonis non, "durante minore ætate," "ad litem," "pendente lite," "durante absentiâ," and all other Letters of Administration whatsoever, whether granted for general, special, or limited Purposes:

Matters and Causes Testamentary:

"Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills, Codicils, Appointments by Will or Writings in the Nature of a Will, and all other Testamentary Instruments, and also the Grant or Revocation of Administration of the Effects of deceased Persons:

The Court:

"The Court" shall mean "Her Majesty's Court of Probate and Administration" hereby established, and shall also include the Judge of the said Court:

Court of Chancery:

"The Court of Chancery" shall mean the High Court of Chancery in England:

Accountant General:

"Accountant General" shall mean the Accountant General in the High Court of Chancery in England:

The Prerogative Court:

"The Prerogative Court" shall mean the Prerogative Court of the Archbishop of Canterbury:

Prerogative Office:

"Prerogative Office" shall mean the Prerogative Office belonging to the Prerogative Court of the Archbishop of Canterbury:

County Court:

"County Court" shall mean a Court holden under an Act passed in the Tenth Year of Her Majesty, Chapter Twenty-five:

Lord Chancellor:

"Lord Chancellor" shall comprehend the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being:

Person:

"Person" shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual:

Superior Courts:

"Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster:

The Testamentary Office.

"The Testamentary Office" shall mean the public Registry attached or belonging to Her Majesty's Court of Probate or Administration under this Act, and the Offices connected therewith.

II. This Act may be cited as "The Testamentary Jurisdiction Act, 1856."

Short Title of Act.

III. This Act shall not extend to Scotland and Ireland, except where expressly mentioned.

Extent of Act.

IV. The Provisions of this Act (except where otherwise specially provided) shall come into operation on the *First Day of January One thousand eight hundred and fifty-seven*, or such other Day as Her Majesty shall by Order in Council appoint, provided that such Order shall be made *Two* Months at least previously to the Day so to be appointed.

Commencement of Act.

V. The voluntary and contentious Jurisdiction, Power, and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in England, now having Jurisdiction, Power, or Authority to grant or revoke Probates of Wills or Letters of Administration of the Effects of deceased Persons, shall absolutely cease and determine, and no Jurisdiction, Power, or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant of Probate or Administration, shall belong to or be exercised by any such Court or Person as aforesaid.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

VI. The voluntary and contentious Jurisdiction, Power, and Authority in relation to the granting or revoking Protbae of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in England, together with full Power and Authority to hear and determine all Questions relating to Matters and Causes Testamentary, and the granting of Notarial Faculties, shall belong to and be vested in Her Majesty, and shall be exercised in the Name of Her Majesty in a Court to be called "Her Majesty's Court of Probate and Administration."

Testamentary Jurisdiction vested in Her Majesty's Court of Probate and Administration.

VII. The Court shall have and exercise the same or the like Jurisdiction, Power, and Authority as are now vested in the High Court of Chancery by Statute or otherwise with respect to the Construction of Wills, the Declaration of the Rights of Parties interested under the same, and the Administration of the Estates of deceased Persons, and have and exercise all Powers and Authorities by Statute or otherwise now exercised by the Prerogative Court or any other Court or Person, exercising or entitled to exercise Jurisdiction in relation to Matters and Causes Testamentary.

Court to have the Construction of Wills and Administration of Assets.

VIII. The Orders and Decrees of the Court shall be enforced and put in execution in the same or the like Manner as the Judgments,

Mode of enforcing Orders.

Decrees, and Judgments.

Orders, and Decrees of the Superior Courts of Law and Equity at Westminster may be now enforced and put in execution.

Sittings.

IX. The Court shall hold its Sittings at such Place or Places in London or Middlesex or elsewhere as Her Majesty in Council shall from Time to Time appoint.

Her Majesty empowered to appoint Judge of the Court.

X. It shall be lawful for Her Majesty to appoint, by Letters Patent under the Great Seal of the United Kingdom, a fit and proper Person, being or having been an Advocate of *Ten* Years standing at the least, or a Barrister-at-Law of *Fifteen* Years standing at the least, to be the Judge of the Court.

Judge's Tenure of Office.

XI. Every Judge appointed under this Act shall hold his Office during his good Behaviour, and shall not be removable therefrom otherwise than as a Judge of any of Her Majesty's Superior Courts may be removed.

Judge to take Oath.

XII. Every Judge to be appointed under this Act shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being are hereby respectively authorized and required to administer:

'I A.B. do solemnly and sincerely promise and swear, That I will 'duly and faithfully, and to the best of my Skill and Power, 'execute the Office of Judge of Her Majesty's Court of Probate and 'Administration. So help me GOD.'

Who to act as Judge during Absence of Judge of the Court.

XIII. During the temporary Absence of the Judge of Her Majesty's Court of Probate and Administration, the Lord Chancellor may direct the Master of the Rolls, if he consent thereto, or any Judge of the Superior Courts, if he consent thereto, or any of the Vice-Chancellors of the Court of Chancery, to act as Judge of the Court; and the Master of the Rolls, Vice-Chancellor, or Judge of the Superior Courts shall, when so acting as Judge of the Court, have and exercise all the Jurisdiction, Power, and Authority belonging to the Court.

During Absence of Master of the Rolls, &c. Judge of Court may act.

XIV. The Lord Chancellor may direct that during the temporary or occasional Absence of the Master of the Rolls or any of the Vice-Chancellors the Judge of the Court shall act as a Judge of the High Court of Chancery, and shall be subject to the same Provisions, Duties, and Observances as the Vice-Chancellors appointed under an Act passed in the Fifth Year of the Reign of Her present Majesty, Chapter Five.

XV. The

Secretary, Usher, and Trainbearer.

XV. The Judge of the Court shall have Rank and Precedence next after the Vice-Chancellors, and shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure; and the Secretaries, Registrars, and other Officers of the Court of Chancery appointed to attend the Lord Chancellor, and the Principal Registrar, Registrars, and other Officers of the Court appointed under the Provisions of this Act, shall attend such Judge when sitting in Court or at Chambers, as Circumstances shall require, and as the Lord Chancellor shall order or direct.

Salaries.

XVI. There shall be paid to the Judge of Her Majesty's Court of Probate and Administration out of the Testamentary Fee Fund Account the net yearly Sum of *Five thousand Pounds*, and to his Secretary the net yearly Sum of *Three hundred Pounds*, to his Usher the net yearly Sum of *Two hundred Pounds*, and to his Trainbearer the net yearly Sum of *One hundred Pounds*, to be paid quarterly on the Day of January, Day of April, Day of July, and Day of October in every Year, by equal Portions; and the first of such Payments to the said Judge and his Officers respectively, or a proportionate Part thereof, shall be computed from the Time of the Appointment of the said Judge, and shall be made on such of the said Days of Payment as shall first happen after the Date of the Letters Patent appointing the said Judge.

Retiring Pension.

XVII. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may give and grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate and Administration, in pursuance of this Act, an Annuity not exceeding *Pounds*, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted, and such Annuity shall be issued and payable out of and chargeable upon the Testamentary Fee Fund Account, and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions, and the first quarterly Payment or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and the Executors or Administrators of the Person to whom the said Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement, or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided that Her Majesty, may in and by such Letters Patent, limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Lord Chancellor may appoint Persons to keep Order in Court.

XVIII. The Lord Chancellor may appoint One or more Persons, removable at the Pleasure of the Lord Chancellor or of the Court, for the Purpose of keeping Order in the Court; and the Salary of every such Person shall be of such Amount, not exceeding the yearly Sum of *Eighty* Pounds, as the Lord Chancellor may think reasonable.

Power to supply Vacancies in Office of Judge appointed under this Act.

XIX. From Time to Time, when and as any Vacancy shall occur in the Office of the Judge of the Court who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Judge or his Successor for the Time being, Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, appoint a fit Person, being or having been an Advocate of *Ten* Years standing, or a Barrister-at-Law of *Fifteen* Years standing, to supply such Vacancy.

Seal of the Court.

XX. The Lord Chancellor shall direct a proper Seal to be made for the Court, and may direct the same to be broken, altered, and renewed, at his Discretion.

Establishment of Testamentary Office.

XXI. "The Testamentary Office," shall be established in such Place as Her Majesty in Council shall from Time to Time appoint.

Officers of the Court.

XXII. There shall be the following Officers of the Court; (that is to say,)

One Principal Registrar;
Four Registrars;
Sixteen Official Proctors;
Two Commissioners for administering Oaths; and
So many Principal Clerks, Assistant Clerks, Officers, Messengers, and Servants as the Lord Chancellor, with the Sanction of the Com-

Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

XXIII. If the Lord Chancellor shall at any Time be of opinion that the Business of the Court cannot be efficiently transacted without the Appointment of additional Registrars and additional Official Proctors, it shall be lawful for him, with the Sanction of the Commissioners of the Treasury, to increase the Number of such Registrars and Official Proctors, provided that not more than *Two* additional Registrars and *Eight* Official Proctors shall be so appointed.

Power to increase Number of Registrars and Official Proctors.

XXIV. The Principal Registrar and all the other Officers of the Court, except as herein-after mentioned, shall be appointed by the Lord Chancellor.

Appointments to Offices.

XXV. The Principal Registrar, the Registrars, the Official Proctors, and such other Officers of the Court appointed under this Act as the Lord Chancellor shall from Time to Time direct, shall, before acting in the Execution of any of the Duties of their Offices, respectively take an Oath, in the Presence of the Judge of the Court, to the Effect following:

Oath of Principal Registrar and other Officers.

'I A.B. do swear, That I will faithfully, honestly, and impartially, 'to the best of my Skill and Knowledge, execute the Duties of 'my Office as   and that without Favour or Affection.
'So help me God."

XXVI. The present Deputy Registrars, Clerks of Seats, and other Clerks and Officers of the Prerogative Court shall be appointed to Offices under this Act of at least equal Value with the Offices they now respectively hold in the Prerogative Court.

Officers of Prerogative Court to be retained.

XXVII. The Principal Registrar shall, subject to any Rules and Orders to be made under this Act, have the general Superintendence and Control of the Testamentary Office and the Officers thereof, and the Business transacted therein, and at the Time of his Appointment to such Office shall be or have been an Advocate of *Ten* Years standing, or a Barrister-at-Law of the like standing, or have served as a Registrar of the Court for a Period of *Five* Years.

Principal Registrar.

XXVIII. No Person shall hereafter be appointed a Registrar or an Official Proctor who shall not be or have been an Advocate, a Barrister-at-Law, a Proctor, a Solicitor, or an Attorney-at-Law: Provided, that any Person who at the Time of the passing of this Act is in Person performing the Duties of Registrar or Deputy Registrar

Qualification of future Registrars and Official Proctors.

Registrar of any Ecclesiastical Court shall be eligible for the Office of Registrar or Official Proctor.

Principal Registrar, &c. to execute their Offices in Person, and to hold Office during good Behaviour. Other Officers to hold Office during Pleasure.

XXIX. The Principal Registrar, Registrars, Official Proctors, and Commissioners for administering Oaths shall execute their respective Offices in Person, and shall hold the same during their good Behaviour, subject to be removed by Order of the Lord Chancellor for some good and reasonable Cause to be in such Order expressed: The other Officers of the Court shall execute their respective Offices in Person, and not by Deputy, and shall hold their Offices during the Pleasure of the Lord Chancellor.

Servants and Messengers.

XXX. The temporary Clerks, Servants, and Messengers shall be appointed by the Principal Registrar, with the Sanction of the Lord Chancellor.

Advocates admitted to practise as Barristers.

XXXI. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England, in like Manner in all respects, and with the same Rank and Precedence, and the same Eligibility to Appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Day on which they respectively were admitted as such Advocates.

Admission of Proctors as Solicitors.

XXXII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor and Notary in the Courts in Doctors Commons, or in any Ecclesiastical Court in England, may, within *One Year* after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Admission as such Proctor and Notary, or an official Certificate thereof; and upon the Production of an official Certificate that such Admission continues in force, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Proctor shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

Admission of Articled Clerks to Proctors as Solicitors.

XXXIII. Every Person who at the Time of the Commencement of this Act has served or is actually serving as an Articled Clerk to a Proctor entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled to be admitted as a Solicitor of the High Court of Chancery, in the same Manner, and subject to the same Rules and Regulations, and upon the same Conditions, as if he had before the Commencement of this Act been articled to a Solicitor or to an Attorney-at-Law; and such Admission shall entitle such Articled Clerk so admitted as a Solicitor to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts: Provided that if any such Proctor to whom any such Clerk is now articled shall retire from Practice after the passing of this Act, he shall and is hereby required to transfer such Articled Clerk to some other Proctor, or to a Solicitor, or to an Attorney-at-Law, for the unexpired Term of his Articles of Clerkship; provided that the Court shall at any Time have the same Power to transfer such Clerk, during the unexpired Term of his Articles of Clerkship, to any other Proctor, or to a Solicitor, or to an Attorney-at-Law, as the Judge of the Prerogative Court now has in respect to Clerks articled to Proctors practising in the Court of Arches.

Practitioners.

XXXIV. All Solicitors and Attornies at Law may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court.

Orders to be drawn up.

XXXV. Every Order of the Court, when drawn up by a Registrar, shall be entered in a proper Book to be provided for that Purpose, and such Registrar shall furnish to every Person requiring the same, on Payment of such Fee as shall be settled by any Rule or Order, an Office Copy of any such Order, which Copy shall be signed by a Registrar, and sealed or stamped with the Seal of the Court; and every such Office Copy, purporting to be so signed, and sealed or stamped with such Seal, shall at all Times, whether for the Purposes of this Act or otherwise, be admitted as Evidence of the Order of which it purports to be a Copy without any further Proof.

Accountant General and Taxing Masters.

XXXVI. The Accountant General and the Taxing Masters of the Court of Chancery shall act as Accountant General and Taxing Masters of the Court.

Accountant General.

XXXVII. Where any Order of the Court relates to the Payment, Transfer, or carrying over of any Cash, Stock, Funds, Annuities, Securities, or other Effects, to or into the Name of the Accountant General, to the Credit of any Matter or Cause depending in the Court, or to any other Payment, Transfer, or carrying over, or other Disposal by the said Accountant General of any Cash, Stocks, Funds, Annuities, Securities, or other Effects which may be standing in his Name to the Credit of any Matter or Cause pending in the

Court, the Accountant General, and all other Persons, including the Governor and Company of the Bank of England, and all other Companies and Societies, shall act upon such Order in the same Manner as if such Order had been an Order of the Court of Chancery duly drawn up, passed, and entered, and One of the Registrars of the Court shall certify under his Hand to the Accountant General what Stocks or Funds he is by virtue of any such Order to transfer, and to whom, in the same Manner as the Registrars in the Court of Chancery have been accustomed to do.

Appellate Tribunal.

XXXVIII. An Appeal shall lie to the House of Lords from all Orders or Decrees of the Court.

Mode of proceeding to obtain Probate or Administration in uncontested Cases.

XXXIX. The Mode of proceeding to obtain Probate of a Will or Administration to the Effects of a deceased Person shall be as follows:—The Person desirous of proving any Will or obtaining Letters of Administration to the Effects of any deceased Person is, either personally or through a Solicitor, to apply for the same at the Testamentary Office of the Court, and leave or cause to be left in such Office the Will, if any, of the Deceased (unless the same shall have been previously deposited in the Court or the Registries thereof, or shall for any other Reason be not required to be left), and also a Copy of the Will, if any, and an Affidavit made by the Person or some One of the Persons applying for such Probate or Administration, with a Schedule thereto, in a Form similar to the Form set forth in the Schedule A. to this Act, with such Variations as the Nature and Circumstances of the Case may require, and such other Papers as may be necessary for the Purpose of obtaining such Probate or Administration.

Where Person applying for Probate or Administration resides out of London District Post, Application may be made through the Post Office.

XL. Where the Person applying for such Probate or Administration shall be resident out of the Limits of the London District Post, such Application, together with the Documents necessary for the Purpose of obtaining such Probate or Administration, may be addressed and sent through the General Post Office to the Principal Registrar.

Printed Forms to be prepared and circulated.

XLI. The Principal Registrar shall cause printed Forms to be prepared, containing Directions to Commissioners for taking Oaths in the Court as to the Inquiries they are to make of Persons applying for Probate or Administration, and printed Forms or Affidavits, applicable, as far as Circumstances will permit, to the different Cases likely to arise, in order that such printed Forms of Affidavits may be filled up and signed, and sworn to by the Applicant; and such Forms shall be distributed for Sale.

XLII. If and when the Principal Registrar or a Registrar shall be satisfied upon any such Application, whether made directly at the Testamentary Office or sent through the General Post Office, that the same ought to be granted, he shall signify such Satisfaction to the Person making such Application, and, subject to such Rules and Orders as may be made by the Lord Chancellor as to the Payment of the Stamp Duty on such Probate or Administration and the Fees payable thereon, shall cause such Probate or Administration to be granted and to be delivered or transmitted through the General Post Office to the Person making such Application or to his Solicitor or Attorney.

Principal Registrar to cause Probate or Administration to be granted.

XLIII. Probate and Administration may be granted in the Form or to the Effect set forth in Schedule (A.) to this Act, with such Variations as the Nature and Circumstances of the Case may require.

Form of Probate and Administration.

XLIV. Probate Copies of Wills and Administrations, with or without the Will annexed, as the Case may be, shall be printed under the Directions of the Principal Registrar, who shall cause such printed Copies to be delivered to Persons applying for the same, subject to the Rules and Orders under this Act.

Copies of Probates and Administrations to be printed.

XLV. The Principal Registrar or a Registrar shall, within such Time as the Lord Chancellor shall direct, cause a printed Copy of every Grant of Probate or Administration to be transmitted through the Post or otherwise to each of the following Offices or Places, subject to such General Rules and Orders as the Lord Chancellor may from Time to Time direct; that is to say,

1. The Metropolitan Register Office of Births and Deaths in London:
2. The Office of Her Majesty's Prerogative in Dublin:
3. The Office of the Commissary of the County of Midlothian in Edinburgh:
4. The Office of the Registrar of Births and Deaths in the District within which the Deceased died, in all Cases where the Place of his Death shall be known to have been within any such District:
5. Such other Offices or Places, if any, as the Lord Chancellor shall from Time to Time direct.

Principal Registrar to transmit printed Copy of Will to certain Offices.

XLVI. Any printed Copy of a Will or Administration so transmitted as aforesaid may be inspected by any Person on Payment of a Fee of *Sixpence.*

Such printed Copy to be inspected on Payment of a Fee of Sixpence.

Principal Registrar to have sufficient Number of Copies printed for Inspection and Sale.

XLVII. The Principal Registrar shall have as many Copies of Wills and Administrations printed as he shall think necessary, for Inspection and Sale, having regard to the Nature of the Instrument, the Amount of the Property, and the probable Demand for Copies thereof.

Printed Copy to be stamped.

XLVIII. Every printed Copy issued from the Testamentary Office shall be sealed or stamped with the Seal of the Court, and also marked in such Manner as to denote the Amount of ad valorem Duty which has been paid in respect of such Probate or Administration.

Official written Copy of whole or Part of a Will may be obtained.

XLIX. Notwithstanding the Premises herein-before contained, an official written Copy of any Part or Portion of a Will, or of the whole thereof, may be obtained from the Testamentary Office, on the Payment of such Fee as shall be fixed for the same by the Rules and Orders under this Act.

Persons to take Probate or Administration within Two Months of the Death of the Deceased.

L. Every Person named as Executor in the Will of any deceased Person, and every Person having a Right to Letters of Administration of the Estate and Effects of any deceased Person, shall within *Two* Calendar Months after the Death of the Deceased apply for Probate or Letters of Administration, or renounce his Right thereto, in the Form herein provided, or to the effect thereof. If such Executor or other Person neglect to apply for Probate or Administration within *Two* Calendar Months after the Death of the Deceased, the Court may, subject to the Rules and Orders under this Act, proceed to grant Administration, with or without the Will annexed, as the Case may be, to some other Person.

Affidavit and Schedule to be made by Persons applying for Probate.

LI. Every Person applying for the Probate of a Will or Grant of Administration shall, before such Probate or Administration be granted, make an Affidavit, having a Schedule annexed thereto, according to the Form set forth in Schedule (B.) to this Act annexed or to the Effect thereof, with such Variations as the Nature and Circumstances of the Case may require: The Original of such Affidavit and Schedule shall be forwarded to the Stamp Office in lieu of the Affidavit at present required under Statute Fifty-five George the Third, Chapter One hundred and eight-four, Section Thirty-eight, and a Copy of such Affidavit and Schedule shall be retained in the Testamentary Office.

Executors or Administrators within Six Months to

LII. Within *Six* Calendar Months after the Grant of Probate or Administration, every Executor and Administrator shall file in the Testamentary Office an Inventory of the Estate and Effects of the Deceased verified by an Affidavit, for or in respect of which the Probate or Administration shall have been granted, in the Form set forth in Schedule (C.) to this Act annexed, or to the Effect thereof, and the said Inventory and Affidavit shall be filed in the Testamentary Office.

file Inventory of the Effects of the Deceased.

LIII. If any Executor or Administrator neglect to file such Inventory and Affidavit within the Period of *Six* Calendar Months from the Date of the Probate or Administration, or within such further Time as may be allowed by the Court, any Person interested in the Estate of the Deceased may apply in a summary Manner to the Court, and upon such Application the Court may order such Inventory and Affidavit to be filed on or before a certain Day, and may award such Costs against the Executor or Administrator, either personally or out of the Estate, as it may deem right.

In case of Neglect of Executor or Administrator to file Inventory.

LIV. Every Person desirous of renouncing his Right to Probate of any Will, or to the Letters of Administration of the Effects of any deceased Person, shall do so according to the Form set forth in Schedule (A.) to this Act annexed, or to the effect thereof, with such Variations as the Nature and Circumstances of the Case may require, and such Renunciation shall be deposited in the Testamentary Office.

Renunciation of Probate or Administration.

LV. Caveats against the Grant of Probates or of Administrations, according to the Form set forth in Schedule (D.) to this Act annexed, or to the Effect thereof, with such Variations as the Circumstances of the Case may require, may be lodged in the Testamentary Office, or may be transmitted by the General Post to the Principal Registrar, and the Practice and Proceedings under such Caveats shall be regulated by the Rules and Orders under this Act.

Practice as to Caveats.

LVI. In lieu of a Citation, Decree, or other Process now issuable from the Prerogative Court, calling upon Executors or other Persons to accept or refuse Probate or Administration, or to show Cause why the same should not be granted to the Person suing out the Process, a Summons shall be issuable from the Testamentary Office, returnable before the Court, and the Practice thereunder shall be regulated by the Rules and Orders under this Act.

Instead of Citation, Summons to be issued from the Testamentary Office.

LVII. Any Person being desirous of proving a Will or obtaining an Administration, or of establishing a Will of Real Estate against an Heir-at-Law, or of recalling or revoking a Probate or an Administration, may institute a Suit in the Court for the Purpose, either by

Suit to establish Will, &c.

Bill, Claim, or Petition, according to the Form and Mode of Procedure to be prescribed by the Rules and Orders under this Act.

Application for Grant of Probate, &c. may be advertised.

LVIII. The Court, or the Judge of the Court at Chambers, may, whenever he deems it expedient, direct an Advertisement to be inserted in the "London Gazette," or such other Newspaper or Newspapers as he may direct, that an Application has been made to the Court for a Grant of Probate or Administration, with such other Particulars as the Judge of the Court may sanction.

No Demurrer for Want of Parties, but Suit to proceed, if Judge think fit.

LIX. It shall not be competent to a Defendant in any Suit to object thereto for Want of Parties, or to require as of Right that the Suit should not proceed without having other Persons made Parties thereto than the actual Defendant or Defendants thereto, but in every such Case it shall be discretionary with the Court to proceed with such Suit, and to determine the Questions arising therein, on being satisfied that there are before the Court in the Suit, either actually or by Representation, Parties having such an Interest in the Questions to be determined as that in the Judgment of the Court the same may safely be decided without requiring any other Person to be made a Party thereto.

Decree or Order of Court to bind all Persons, &c.

LX. The Determination of the Court in any such Suit, if the Court shall think fit so to declare by its Decree or Order therein, shall bind all Persons named or referred to therein by a particular or general Description, including Persons under Disability, whether Parties to the Suit or not, and Persons unborn.

Saving Right of Appeal.

LXI. Any Person named or referred to by any such Decree or Order as last aforesaid, and purporting to be bound thereby, though not a Party to the Suit, may have such Relief, if any, against the same, by way of Re-hearing or Appeal, or otherwise, as he would have been entitled to in case he had been originally made a Party thereto.

Power to Court to appoint Real Representative.

LXII. It shall be lawful for any Person interested in the Real Estate of any deceased Person, whether such Person shall have died before or after the passing of this Act, to apply to the Court in any Suit, or upon Motion or Petition, in a summary Manner, without Bill or Claim filed, to appoint some Person to be the Representative of the Real Estate of such deceased Person or any Part thereof; and the Court, if it shall think fit, shall, upon Notice of such Application to such Persons, if any, as it shall think fit, have Power to make such Appointment as to such Real Estate only of the Deceased as may not be vested in Trustees or a Trustee in trust for Sale, with Power to give Discharges to Purchasers, or over which there shall not be a Power of Sale exercisable by any Trustee or Trustees or other Person or Persons, with a like Power of giving Discharges to Purchasers, or any Part of such Real Estate.

Power to Real Representative to sell and convey; and to mortgage.

LXIII. Every Real Representative so to be appointed shall have full Power to sell and convey the Real Estate of the Deceased, or so much thereof as shall be comprised in or affected by the Order appointing such Real Representative, and to receive the Rents and Profits thereof, and to raise Money by Mortgage of the same, and to give Discharges for such Purchase and Mortgage Monies, and Rents and Profits, and shall apply the Money to be received by him for the Purposes and in the Manner in such Order to be expressed, but no Purchaser or Mortgagee shall be in any Manner bound to see to such Application.

Representation of Real Estates.

LXIV. In all Suits, Actions, or Applications respecting the Real Estate comprised in or affected by any Order appointing a Real Representative, the Real Representative so appointed shall represent such Real Estate in the same Manner and to the same Extent as the Executor or Administrator of any deceased Person represents the Personal Estate of such deceased Person.

Act limited to Estates of Persons dying after this Act.

LXV. Except where otherwise provided, none of the Provisions herein contained with reference to the Real Estate of deceased Persons shall extend to the Real Estate of Persons dying before this Act comes into operation.

Sureties to Administration Bonds.

LXVI. So much of an Act passed in the Twenty-first Year of the Reign of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of the Reign of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of the Reign of King James the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be and the same are hereby repealed.

Bond.

LXVII. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court for the Time being, and if the Court shall so require with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Lord Chancellor shall from Time to Time by any General or Special Order direct.

Penalty on Bond.

LXVIII. Such Bond shall be in a Penalty of *Double* the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court shall in any Case think fit to direct the same to be reduced, in which Case the Court may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court shall think reasonable.

Power of Court to assign Bond.

LXIX. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order as the Party to sue in respect of any Breach of the Condition thereof; and such Person shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested (subject nevertheless to the Control and Direction of the Court) the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Pending Suits.

LXX. All Suits, whether original or by way of Appeal, which shall be pending in any Court in England, respecting any Grant of Probate or of Administration shall be transferred, with all the Proceedings therein, to the Court, there to be dealt with and decided according to the Rules and Practice of the Court, except so far as the Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which end the Court shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred;

Proviso.

Provided that this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed:

Proviso.

Provided also, that every Person, who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence:

Proviso.

Provided also, that Her Majesty in Council may remit to the Court any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

LXXI. Nothing in this Act contained shall prejudice or affect the Right of any Proctor practising in any Ecclesiastical Court to maintain any Action for, or to demand any Costs due to him in relation to, any Business transacted by him in any Ecclesiastical Court before the Commencement of this Act.

Act not to prejudice Right of Proctors to bring Actions.

LXXII. If at the Commencement of this Act any Cause which shall have been heard before the Judge of the Prerogative Court shall be standing for Judgment, such Judge, may at any Time within *Six* Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court on the Day on which the same shall be delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judge of Prerogative Court to deliver written Judgments.

LXXIII. When a Person has died, or shall die, wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, and it shall appear to the Court to be expedient to appoint some Person to be the Administrator of the Personal Estate of the Deceased, other than the Person who, if this Act had not passed, would by Law have been entitled to the Grant of Administration, the Court may appoint some other Person, with or without Security, to act under its immediate Control as the Administrator of such Personal Estate, and may allow to such Person a reasonable Remuneration out of the Estate.

Power as to Appointment of Administrator.

LXXIV. Pending any Suit touching the Validity of the Will of any deceased Person, or for the obtaining, recalling, or revoking any Probate, or any Grant of Administration, the Court may appoint an Administrator of the Personal Estate of any such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a general Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Administration pendente lite.

LXXV. The Court may direct that Administrators appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal Estate of the Deceased such reasonable Remuneration as the Court shall think fit.

Remuneration to Administrators pendente lite.

38 G. 3. c. 87. extended to Administrators.

LXXVI. The Provisions of an Act passed in the Thirty-eighth Year of His late Majesty George the Third, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration has been granted shall have departed this Kingdom, and be out of the Jurisdiction of Her Majesty's Courts of Law and Equity.

After Grant of Administration, no Person to have Power to sue as an Executor.

LXXVII. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit or otherwise act as Executor of the Deceased as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXVIII. The Revocation of any temporary Administration shall in nowise prejudice any Proceedings at Law or in Equity which may have been commenced by or against any Administrator so appointed; but a Suggestion may be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon; and the Proceedings which shall have been commenced by or against the Administrator whose Administration shall have been so revoked shall be continued in the Name of the Executor or Administrator appointed in his Place, in like Manner in all respects with reference to Liability, Costs, and otherwise, as if the Proceeding had been originally commenced by or against the Executor or Administrator so last appointed.

Payments under revoked Probates or Administration to be valid.

LXXIX. All Payments bonâ fide made to any Executor or Administrator under any Probate or Administration revoked under this Act, and before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator acting under any such revoked Probate or Administration shall retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted would have been liable to make.

Court to have like Control over Wills, &c. as the Prerogative Court.

LXXX. The Court shall have the like Power and Control over all Wills and Testamentary Instruments, and over all Papers or Writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to Matters or Causes within its Jurisdiction.

Court may remove from Registry forged Will, or restore a Will which has been tampered with.

LXXXI. The Court may order the Removal from the Registry of any forged Will, or may order the Cancellation or Restoration of any Part of a Will proved to have been forged, altered, or tampered with.

LXXXII. The

Order to produce any Instrument purporting to be testamentary.

LXXXII. The Court may, on Motion, Petition, or otherwise, in a summary Way, whether or not any Suit or other Proceeding shall be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Testamentary Office, or otherwise as the Court may direct, any Paper or Writing, being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for concluding that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined, viva voce or upon Interrogatories, respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court, and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court

Issues may be tried before the Court.

LXXXIII. In Issues or Questions of Fact arising in Suits or other Proceedings under this Act, it shall be lawful for but not obligatory upon the Court to direct the Truth thereof to be determined before itself by the Verdict of a Special or Common Jury. For the Trial of such Issues the Special or Common Jury shall, in pursuance of a Precept by the Court directed to the Sheriff of Middlesex, be by the said Sheriff impanelled, struck, and summoned before the Court, and be subject to the same Penalties as if they were impanelled, struck, and summoned for the Trial of Issues at the Sittings at Nisi Prius for Westminster. The Special or Common Jury so summoned to appear before the Court shall be subject to the same Penalties, and be liable to be challenged for the same Causes and by the same Persons, and shall try the Matters in Issue, and give a Verdict thereon, as if such Issues were tried at the Sittings at Nisi Prius for Westminster.

Examination of Witnesses.

Production of Deeds, &c.

LXXXIV. The Court may require the Attendance of any Witness before itself in any Suit or other Proceeding in respect of Matters or Causes Testamentary, and examine or cause to be examined Witnesses by Word of Mouth, and either before or after Examination, by Deposition or Affidavit; and the Court may order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts, and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding *One hundred Pounds.*

Court may direct Validity of a Will to be tried by Jury.

LXXXV. The Court may direct Issues on Matters of Fact arising in Suits or other Proceedings under this Act in respect of Matters or Causes Testamentary to be tried by the Verdict of a Special or a Common Jury at the Sittings at Nisi Prius for London or for Westminster, or before any Judge of Assize.

Attesting Witnesses to Will may be examined.

Proviso.

LXXXVI. In any Suit in the Court touching the Validity of any Will, any Party interested may require the subscribing Witnesses to such Will, if within the Jurisdiction of the Court, to be produced and examined in open Court: Provided that the Court may dispense with the Production and Examination of such subscribing Witnesses, and that the Costs in all Cases shall be in the Discretion of the Court.

New Trials.

LXXXVII. If the Court be dissatisfied with the Verdict of a Jury, either before itself, or before a Special or Common Jury at the Sittings at Nisi Prius for London or for Westminster, or before any Judge of Assize, it may, subject to the Rules and Orders under this Act, order and direct a new Trial either before itself, or at the Sittings at Nisi Prius for London or Westminster, or before any Judge of Assize; and if no new Trial be ordered the Verdict of the Jury shall be conclusive.

Where Personal Property under 200*l.*, County Court to decide all disputed Questions.

LXXXVIII. If the Personal Estate and Effects of which any deceased Person died possessed, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, be sworn to be under the Value of *Two hundred Pounds*, the Judge of the County Court of the District in which the deceased Person died shall have the contentious Jurisdiction, Power, and Authority of the Court in respect of Questions as to the Grant and Revocation of Probates of Wills and Letters of Administration of such deceased Person, and also in respect of Legacies, Inventories, and Accounts, and the Distribution of the Estates and Effects of such deceased Person, and also in respect of all other disputed Questions in relation to Matters and Causes Testamentary affecting the Estate of such deceased Person.

Where Real and Personal Estate under

LXXXIX. Where the Real and Personal Estate and Effects of which any deceased Person died possessed, exclusive of what the Deceased

Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, shall be sworn to be collectively under the Value of *Three hundred Pounds*, the Judge of the County Court of the District in which the deceased Person died shall have, use, and exercise, in relation to the Administration and Distribution of the Real and Personal Estate and Effects of such deceased Person, the Jurisdiction, Power, and Authority possessed by the Court in respect to the Administration of the Assets of deceased Persons.

300*l.*, Judge of County Court to have the Jurisdiction of Her Majesty's Court of Probate and Administration.

Revocation of Probate.

XC. If the Judge of a County Court revoke a Probate or Administration, and decree another Probate or Administration to issue, the Party in whose Favour such Decree shall be made may apply to the Testamentary Office for the issuing of another Probate or Administration in the same Manner, but subject to the Rules and Orders under this Act, as he might have done if the Probate or Administration had been revoked by the Court.

The Judge of the County Court to decide Cause and enforce Judgments as in other Cases.

XCI. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same, and enforce Judgment therein, as if the same had been an ordinary Action in the County Court.

Costs.

XCII. In Suits or other Proceedings under this Act, the Costs shall be in the Discretion of the Court, or, as the Case may be, in the Discretion of the Judge of the County Court, but upon Appeals from the Court to the House of Lords the Costs shall be in the Discretion of the House of Lords, and if it appear that any Person have instituted any groundless or frivolous Suit or other Proceedings, or set up any groundless or frivolous Defence, the Court, or the Judge of the County Court, as the Case may be, may order such Person to pay the Costs as between Attorney and Client, or any Part of the Costs of resisting any such groundless or frivolous Suit or other Proceeding, or of setting up any such groundless or frivolous Defence, and such Costs shall be taxed by a Registrar of the Court, and by such Officer of the County Court as may be prescribed by the Rules and Orders under this Act; and Execution may issue for the Recovery of Costs in Suits or other Proceedings before the Judge of the County Court, in like Manner as if the same had been Costs in an ordinary Action in the County Court.

Security for Costs.

XCIII. The Court, or the Judge of the County Court, may, upon the Application of a Defendant to any Suit or other Proceeding under this Act, supported by Affidavit, order the Party instituting such Suit or other Proceeding to give Security for the Costs of the Defendant in such an Amount as the Court or the Judge of the County Court may deem expedient, and until such Security for Costs be given the Suit or other Proceeding shall be stayed.

Limitation of Time of proceeding Twenty Years.

XCIV. Except as herein-after provided, no Suit or Proceeding shall be instituted or taken to revoke or recal any Probate or Administration, after the Expiration of *Twenty* Years from the Date of such Probate or Administration.

Disability.

Ten Years.

XCV. If, at the Time of the granting any Probate or Administration, the Person entitled to revoke or recal such Probate or Administration shall have been or shall be under the Disability of Infancy, Coverture, Idiotcy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, such Person so under Disability, or any Person claiming under him, may institute any Suit or Proceeding for the Purpose of revoking or recalling any such Grant of Probate or Administration within *Ten* Years after the Removal of such Disability, or within *Ten* Years after the Death of the Person under Disability, which shall have first happened.

Fraud.

XCVI. In Cases of Fraud the Person aggrieved or supposed to be aggrieved thereby, or any Person claiming under him, may institute a Suit or Proceeding for the Purpose of revoking or recalling any Probate or Administration, notwithstanding the Expiration of *Twenty* Years from the Date of such Probate or Administration, provided that the special Leave of the Court be previously obtained authorizing the Institution of such Suit or other Proceeding, and upon such Terms, if any, as the Court may think fit to impose.

Void and voidable Probates and Administrations.

XCVII. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall have been revoked, or determined by any Court of competent Jurisdiction to have been void, before the Commencement of this Act; nor shall this Act prejudice or affect any Proceedings pending at the Time of the Passing of this Act in which the Validity of any such Probate or Administration shall be in question. If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration, shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within *Six* Calendar Months after the Death of such Party.

Probates and Administrations granted before this Act comes into operation.

XCVIII. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act. And all Inventories and Accounts in respect thereof shall be returnable to the Court, and all Bonds taken in respect thereof may be enforced by the Court.

Power to make Rules and Orders.

XCIX. The Lord Chancellor may at any Time after the *passing of this Act*, and from Time to Time, make Rules and Orders, and may from Time to Time rescind, alter, vary, or add to the same, for regulating the Times for holding the Court, the Forms and Mode of Procedure in the Court and at the Chambers of the Judge of the Court, and also for regulating the Forms and Mode of Procedure in the County Courts in reference to Matters and Causes Testamentary, and also for regulating the Conduct and Duties of the Officers and Practitioners in the Court, at Chambers, or in the Testamentary Office, and also for regulating the Mode of making Searches in the Testamentary Office, and of obtaining Copies of and Extracts from Records, Wills, Administrations, Calendars, and all other Instruments deposited in the Testamentary Office, and also for regulating the Printing and Sale of Copies of or Extracts from such Records, Wills, Administrations, Calendars, and other Instruments, and for carrying into effect in other respects the Provisions of this Act: Provided, that a Copy of such Rules and Orders shall, immediately after the issuing of the same, be laid before both Houses of Parliament, if Parliament be then assembled, and if Parliament be not then assembled, then within *Ten* Days after the Meeting thereof: Provided also, that if either House of Parliament shall, by any Resolution to be passed within *Thirty* Days after the same shall have been laid before such House, resolve or declare that such Rules, Orders, or Regulations, or any of them, ought not to remain in force, then and in such Case the same Rules, Orders, and Regulations, or such of them as shall be so objected to, shall from and after such Resolution be void.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the

C. The Acting Judge and Registrar of every Court, and other Person, now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose from the Principal Registrar or a Registrar, and at

Testamentary Office.

at the Time and in the Manner mentioned in such Requisition, transmit to the Testamentary Office all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating to Matters or Causes Testamentary, to be there deposited and arranged so as to be easy of Reference.

Penalty for Default.

CI. Any Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit to the Testamentary Office such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be liable to a Penalty of *One hundred Pounds*, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts by the Principal Registrar.

Safe Custody of the Wills of living Persons.

CII. A safe and convenient Depository shall be provided in the Testamentary Office for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in the Testamentary Office upon Payment of such Fees and under such Regulations as the Lord Chancellor shall from Time to Time by any Order direct.

Power to Lord Chancellor to arrange for temporary Custody of Wills, &c. until same are deposited in Testamentary Office.

CIII. The Lord Chancellor may from Time to Time cause Arrangements to be made for or with respect to the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or other Instruments relating to Matters and Causes Testamentary, or of any Part or Portion of such Instruments, until the same shall be deposited in the Testamentary Office.

Appointment of temporary Officers.

CIV. In case any Principal Registrar, or other Officer appointed or to be appointed by virtue of this Act, shall by reason of Ill-health or other Infirmity become temporarily incapable of performing the Duties of his Office, or shall for any other reasonable Cause, to be allowed by the Lord Chancellor, apply to be relieved from the Discharge of the Duties thereof for a certain Time only, the Lord Chancellor may appoint some fit and proper Person to discharge the Duties of such Office for any Period not exceeding *Six* Calendar Months at any One Time, and the Person so appointed shall during such Period have all the Power and Authority of the Principal Registrar or other Officer in whose Place he shall be so appointed, and shall be paid by such Principal Registrar or other Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, to be approved of by the Lord Chancellor.

Power to Lord Chancellor to direct Registrars to discharge the Duties of Principal Registrar during Vacation, &c.

CV. The Lord Chancellor may authorize and direct One of the Registrars of the Court to discharge the Duties of the Principal Registrar during Vacations, or during the temporary or occasional Absence of the Principal Registrar, and the Registrar so authorized and directed to discharge such Duties shall, during Vacations, or during such temporary Absence, have all the Power and Authority of the Principal Registrar.

Power to Lord Chancellor to remove any Officer appointed under this Act engaging in other Employment.

CVI. If any Person holding any Office, Situation, or Employment under this Act be engaged in any other Office, Situation, or Employment, or if such Person, being or having been a Proctor, a Solicitor, or Attorney, directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment under this Act.

Proctors, Solicitors, &c. appointed to any Office under this Act not to practise.

CVII. If any Proctor, Solicitor, or Attorney hold any Office under this Act, he shall cease to practise as a Proctor, Solicitor, or Attorney, and shall forthwith procure his Name to be struck off the List of Proctors or off the Roll of Solicitors of the High Court of Chancery, or of Attornies of any of Her Majesty's Superior Courts on which his Name may be.

Registrars, &c. to have Power to administer Oaths.

CVIII. The Principal Registrar, Registrars, and Commissioners for administering Oaths under this Act, shall respectively have full Power to administer Oaths; and any Person wilfully taking a false Oath before any such Principal Registrar or Registrars or Commissioners shall be liable to the Penalties, Punishments, and Consequences of wilful and corrupt Perjury.

Power to appoint Commissioners to administer Oaths, &c.

CIX. The Lord Chancellor shall appoint all Persons who at the Commencement of this Act shall be acting as Surrogate of any Ecclesiastical Court, and who shall be styled "Commissioners of Her Majesty's Court of Probate and Administration," to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them, from Time to Time, by the Rules and Orders under this Act, and who shall receive such Fees as may be specified in such Rules and Orders; and the Lord

Chancellor shall have Power to appoint from Time to Time so many other Persons as he may deem expedient to be Commissioners for the Purposes aforesaid.

Forging or counterfeiting Seal or Signature of Officers.

Penalty.

CX. If any Person forge the Signature of the Principal Registrar or of any of the Registrars or Commissioners for taking Oaths, or forge or counterfeit any Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Principal Registrar, Registrars, or Commissioners, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour.

This Act not to affect the Stamp Duties on Probates and Administrations.

CXI. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

Copies of Wills, &c., to be delivered to the Commissioners of Inland Revenue.

CXII. The Principal Registrar or a Registrar shall, within *Two* Days after the same have been sworn, and a Copy thereof has been made, forward or cause to be forwarded to the Commissioners of Inland Revenue the original Affidavit and Schedule herein-before mentioned, and shall also, within *One Week* after the Grant of each Probate or Administration, deliver or cause to be delivered to the said Commissioners a printed Copy of such Probate or Administration and of the Will in Cases of Probate or of Administration with the Will annexed.

Lord Chancellor to prepare Table of Fees to be taken by Officers of Court.

No other Fees to be taken.

CXIII. The Lord Chancellor is hereby required to prepare or cause to be prepared, before the Commencement of this Act, a Table of Fees, specifying what Fees are proper to be demanded and taken by the Officers, Practitioners of the Court, and of the Testamentary Office; and what Fees shall be payable by Suitors in the Court to the Officers thereof in respect of the Business to be conducted in the Court, or at

Chambers, or in the Testamentary Office; and also another Table of Fees specifying what Fees are proper to be demanded and taken by the Officers of and Practitioners in the County Courts, and what Fees shall be payable by Suitors in the County Courts to the Officers thereof in respect of the Business to be conducted in the County Courts in respect of Matters and Causes Testamentary; and what Fees shall be payable in respect of Searches or Copies, or of Extracts from Records, Wills, Administrations, and other Instruments deposited in the Testamentary Office, other than the Wills or other Instruments deposited by living Persons; and he is hereby empowered from Time to Time to add to, reduce, alter, or amend the same, and cause the same to be inserted and published in the London Gazette; and no other Fees than those specified and allowed in such Table of Fees shall be demanded or taken by such Officers.

No Officer to retain any Fees for his own Use; or accept Gratuity.

CXIV. No Officer of the Court, or of the Testamentary Office, or of any County Court, shall be entitled to receive or retain any Fee or Reward whatsoever; and if any Officer of the Court, or of the Testamentary Office, or of any County Court, shall, for anything done or pretended to be done relating to his Office, Situation, or Employment, or under colour of doing anything relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or permit or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or anything of Value other than his Salary, or what is allowed or directed to be taken by him under this Act, or by any Rule or Order under this Act, the Person so offending, when duly convicted, shall forfeit and pay the Sum of *Five hundred Pounds*, and shall be removed from any Office, Situation, or Employment he may hold in the Court, or the Testamentary Office, or in any County Court, and shall be rendered and he is hereby rendered incapable of ever thereafter holding any Office, Situation, or Employment in the Court, or in the Testamentary Office, or in any County Court, or otherwise serving Her Majesty, Her Heirs or Successors.

Penalty.

Prosecution of Offenders.

CXV. Any such Offender may be prosecuted, either by Information at the Suit of Her Majesty's Attorney General, by criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment.

Fees not to be paid in Money, but by Stamps.

CXVI. None of the Fees payable to the Officers of the Court, except as herein-after mentioned, shall be received in Money, *but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Lord*

Chancellor may order any Fees which cannot conveniently be collected by Stamps to be received in Money.

Fees to be collected by Stamps, and paid to "The Testamentary Fee Fund Account."

CXVII. *All the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "An Act for the Relief of Suitors "of the High Court of Chancery," and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under this Act; save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under any Rules and Orders under this Act, and of all Costs, Charges, and Expenses incurred by them, or by their Direction, in carrying the same into effect; and the said Commissioners may pay, and deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps, and after such Deduction they shall from Time to Time, and in such Manner as the Lord Chancellor shall by Rules and Orders under this Act direct, pay the same into the Bank of England, to the Credit of the Accountant General of the Court of Chancery, to be placed to an Account there, to be entitled "The Testamentary Fee Fund Account."*

Fees to be paid to "The Testamentary Fee Fund Account."

CXVIII. Such of the Fees payable to the Officers of the Court or of the Testamentary Office as the Lord Chancellor shall direct to be collected in Money shall, at such Times and in such Manner as he shall direct, be paid into the Bank of England, to the Credit of "The Testamentary Fee Fund Account."

Acts relating to Stamps under Commissioners of Inland Revenue incorporated.

CXIX. *The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall, so far as the same are applicable, and consistent with the Provisions of this Act, in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.*

CXX. *The Commissioners of Her Majesty's Treasury shall advance or procure from Time to Time such Sums of Money as may be necessary for providing suitable Rooms and Buildings in which the Business of the Court and of the Testamentary Office may from Time to Time be carried on, and for the Enlargement, Alteration, Improvement, Repairs, Furnishing, and Fitting-up of the same, and otherwise for carrying into effect the Provisions of this Act; and any Sums of Money so advanced, with Interest thereon at and after the Rate of Four per Cent. per Annum, shall, by Order from the Lord Chancellor, be repaid from Time to Time to the said Commissioners out of the Fund standing in the Name of the Accountant General of the Court of Chancery, entitled "The Testamentary Fee Fund Account."*

Buildings to be provided for the Court and Testamentary Office.

CXXI. The Lord Chancellor may, by Rules and Orders under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of the "Testamentary Fee Fund Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings, and for the Rent, Taxes, Rates, Insurances from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court and Testamentary Office, and for all other necessary Expenses relating thereto, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testamentary, and for the Books and Stationery which may be required for the Business of the Court and of the Testamentary Office, and for the making, copying, writing, printing, correcting and examining official Documents and Records of the Court and of the Testamentary Office.

Power to Lord Chancellor to provide Offices, &c.

CXXII. There shall be paid to the several Officers named in Schedule (E.) to this Act the several Salaries or yearly Sums set opposite to their respective Names or Titles in the same Schedule, and to such of the other Officers, Clerks, Servants, and Messengers appointed or to be appointed by or under this Act, such Salaries, yearly Sums, or other Remuneration as the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct.

Salaries of Officers.

CXXIII. The Lord Chancellor may, by Order, remove any Officer or Person attached to or employed in the Court or in the Testamentary Office who shall be afflicted with any Infirmity which shall disable him from the due Execution of his Office, and who shall refuse

Power to Lord Chancellor to remove any Officer becoming infirm or incapable, and to limit retiring Allowance.

refuse to resign or become incapable of resigning the same, and upon such Removal order to be paid to such Officer or Person so removed an Annuity or retiring Allowance, not exceeding *Two Third* Parts of the yearly Sum or Salary to which he shall be entitled at the Time of his Removal.

Mode of compensating retiring Officers, &c.

CXXIV. The Lord Chancellor may, by any Order made on a Petition presented to him for that Purpose, order to be paid to any Person holding any Office or Situation in the Court, or in the Testamentary Office, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office or Situation, or who shall have continued in any Office of the Court or of the Testamentary Office, for *Twenty* Years, and shall be desirous of resigning the same, a Superannuation Allowance, and thereupon such Officer or Person shall be entitled to receive such Superannuation Allowance, not exceeding *Two Thirds* of his Salary, as the Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, shall direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the Lord Chancellor and the said Commissioners shall take into consideration the whole Period during which any such Officer or Person shall have been permanently employed in any Office or Situation in the Court or in the Testamentary Office: Provided that as to such of the said Officers as shall have been previously Officers of or employed in the Prerogative Court, or in some Ecclesiastical Court, the Time during which they shall have been so employed shall for the Purposes of this Clause be deemed and taken as Part of the Time during which they shall have continued to be Officers of the Court or of the Testamentary Office: Provided also, that the Lord Chancellor shall in every such Order state the Cause for making the same, and shall cause a Copy of such Order to be laid on the Table of the Commons House of Parliament within *Fourteen* Days after the making of the same, if Parliament be then assembled, and if Parliament shall not then be assembled, then within *Fourteen* Days next after the Meeting thereof.

Proviso.

Proviso.

Temporary Fund for the Payment of Compensations.

CXXV. Whereas it is expedient to provide a temporary Fund for the Payment of the Compensations under the Provisions of this Act: Be it enacted, That in future the Proctorial Fee at present received and taken by the Proctors practising in England in respect of Grants of Probate and Administration shall cease, and in lieu thereof the several Fees set forth in Schedules (F.) and (G.) to this Act annexed, and denominated respectively "Table of Fees on Probates," and "Table of Fees on Administrations," shall be levied, raised, and collected, and paid into the Testamentary Office, to be placed to the Account of the "Testamentary Fee Fund Account:" Provided, that as the respective Annuities allotted under this Act by way of Compensation shall from Time to Time cease, and after the Commissioners of Her Majesty's Treasury have been repaid all Sums of Money, with Interest thereon, which they may have advanced in carrying into effect the Provisions of this Act, it shall be lawful for the Lord Chancellor and he is hereby required from Time to Time to reduce, as he may deem necessary and proper, the Fees mentioned in the said Tables to this Act annexed.

Compensation.

CXXVI. Whereas by reason of the Provisions of this Act the Judges, Deputy Judges, Registrars, and Deputy Registrars, or other Persons holding Office by Letters Patent in the Courts now exercising Jurisdiction in Matters and Causes Testamentary, and who are lawfully entitled to receive Salaries or Fees payable in respect of the Transaction of Business respecting such Matters and Causes, will be deprived thereof, and it is reasonable and fit that Compensation should be made in respect of such Losses: Be it therefore enacted, That every such Judge, Deputy Judge, Registrar, Deputy Registrar, and other Person, except he be appointed to an Office under this Act equal in Value to the Office he now holds, may, claim Compensation in respect of such Salaries and Fees from the Commissioners of Her Majesty's Treasury, within *Six* Months from the Commencement of this Act; and the said Commissioners may, by Examination on Oath or otherwise, and in such Manner as they shall think fit, (and for such Purpose they are authorized to administer Oaths,) inquire into the Nature of the Office, and what was the Tenure, and what was the clear annual Amount, on an Average of *Five* Years immediately preceding the Commencement of this Act, of the lawful Salaries and Fees in respect of which Compensation shall be so claimed, and require the Production of such Evidence as they shall think fit; and the said Commissioners shall have regard to the Fact whether such Office shall have been exercised jointly or by Deputy, in which Case any joint Holder of the said Office, or the Person performing the Duties of the Office by Deputy, shall be entitled to make claim in respect of the Emoluments actually received by him under or by virtue of any Arrangement entered into with the other joint Holder, or the Deputy, as the Case may be; and the said Commissioners shall absolutely determine and allot to such Officers, joint Holders of Offices, and Deputies, and other Persons, a Sum of Money or annual Sums of Money as Compensation in respect of their several Claims, to be calculated on an Average of *Five* Years immediately preceding the Commencement of this Act, as to the said Commissioners shall seem just: Provided that in no Case shall any such Officer, joint Holder of an Office, or Deputy, be entitled to receive any such Compensation unless he shall have held such Office, joint Office, or Deputyship for the Space of *Three* Years immediately preceding the Commencement of this Act; and provided also, that every such Officer, joint Holder of an Office, or Deputy, who shall have held such Office, joint Office, or Deputyship for more than *Three* Years but less than *Six* Years immediately preceding the Commencement of this Act, shall be entitled to *One Half* only of the Amount of Emolument so enjoyed by him as aforesaid, to be computed on the Average of the whole Time during which he shall have held such Office.

Compensation to Proctors.

CXXVII. Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into, and may, by the Production of such Evidence as they shall think fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors not being practising Solicitors or Attornies, in Matters and Causes Testamentary, on an Average of *Five* Years immediately preceding the Commencement of this Act, or of such Proportion of *Five* Years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and may award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as the said Commissioners shall deem to be equitable; provided that such Sum of Money or Annuity so awarded shall not exceed in Value *One Half* of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon the said Average of *Five* Years immediately preceding the Commencement of this Act, or of such Proportion of the said *Five* Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

Compensation to Proctors in Partnership.

CXXVIII. And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof, as herein-before provided, to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, regard being had to the existing Terms and Conditions of the same.

Compensation to Articled Clerks and Junior Proctors.

CXXIX. Every Person who at the Time of the Commencement of this Act shall be actually under Articles to a Person practising in a Court now exercising Jurisdiction in Matters and Causes Testamentary, and entitled to take an Articled Clerk, shall be entitled to claim from the Commissioners of Her Majesty's Treasury, by way of Compensation, *One Third* Part of the Fee originally paid by him, or on his Behalf, at the Time of the Commencement of his Articles; and every Proctor (not practising as a Solicitor or Attorney) who has not been admitted to practise as a Proctor in a Court now exercising Jurisdiction in Matters and Causes Testamentary, for a longer Period than *Three* Years, shall be entitled to claim from the said Commissioners, either in respect of his Income as a Proctor, or for *One Third* Part of the Fee paid by him or on his Behalf to the Proctor to whom he was articled.

Compensation to Judge of Prerogative Court.

CXXX. There shall be awarded to the Judge of the Prerogative Court, by way of Compensation, an annual Sum equal in Amount to the net annual Value of the lawful Fees and Emoluments of his Office, according to such an Average prior to the Commencement of this Act as the said Commissioners of Her Majesty's Treasury shall think proper, and such annual Sum shall be payable to him during his Life.

Persons appointed to Offices not to receive Compensation while holding such Offices, &c.

CXXXI. If any Person entitled under this Act to make such Claim for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or under "The Church Discipline and Registry Act, 1856," or under "The Matrimonial and Divorce Act, 1856," the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Situation, shall be suspended if the Amount of such Salary or Emoluments be equal to or greater than the Amount of such Compensation, and if any such Person is or shall be appointed to any Office or Situation under either of the said Acts, the Salary or Emoluments of which may be less than the Amount of such Compensation, such Person shall be entitled to receive the Difference existing between the Amount of such Salary or Emoluments and the Amount of such Compensation, and no more.

Clause for Protection of the Interests of the Right Hon. Charles

CXXXII. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act to authorize the Lord Archbishop of Canterbury for the Time

Viscount Canterbury.

" being to appoint a Person or Persons to the Office of Registrar " of his Prerogative without a previous Surrender of the existing " Grant or Grants of the said Office," after reciting (among other Things) that by virtue of a Grant of the Most Reverend John then late Archbishop of Canterbury, dated the Sixth Day of December One thousand seven hundred and ninety-nine, the Reverend George Moore and the Reverend Robert Moore then held the said Office, it was enacted that it should be lawful for the Archbishop of Canterbury for the Time being and from Time to Time (nevertheless with the Confirmation of the Dean and Chapter for the Time being of the Cathedral and Metropolitical Church of Christ, Canterbury, to be testified as therein mentioned), notwithstanding any existing Grant or Grants for the Time being of the said Office, and without any previous Surrender of such existing Grant or Grants, to grant the said Office to any One Person for his Life, or to Two Persons for their Lives and the Life of the Survivors of them, so nevertheless that there should not be altogether more than Three Lives in the said Office at one and the same Time, and each of the Grants thereby authorized should take effect so as to be subject and without Prejudice to the Estates and Interests, Rights and Privileges, as well of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said recited Grant, as of all and every other Grantee or Grantees of the said Office for the Time being by virtue of any then existing Grant or Grants, and each of the Grants thereby authorized should have Priority respectively and successively over every subsequent Grant of the said Office: And whereas the Most Reverend Charles late Archbishop of Canterbury did, by virtue of the Power given by the last-recited Act, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said Grant of the Sixth Day of December One thousand seven hundred and ninety-nine: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled " An Act for settling and securing Annuities on " the Right Honourable Charles Manners Sutton and on his next " Heir Male, in consideration of the eminent Services of the said

" Right Honourable Charles Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and be paid to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and should commence from the Time therein mentioned, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand Pounds shall be payable out of and charged upon the said Consolidated Fund, to be paid to the then Heir Male of the Body of the said Charles late Viscount Canterbury, during the natural Life of such Heir Male; and after reciting that the said Charles now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Body of the said Charles late Viscount Canterbury, stood possessed of a contingent beneficial Interest in the Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, it was further enacted, that in the event of the said Charles now Viscount Canterbury having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine and be no longer payable to the said Charles now Viscount Canterbury; provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury, then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar: Be it therefore enacted as follows: There shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount Canterbury shall then be in possession of the said Office, and if not, then from the Time at which the said Charles Viscount Canterbury would have become entitled but for the passing of this Act to the full Possession of the said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the said Charles Viscount Canterbury shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury, out of the said Consolidated Fund, of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

The Registry of Prerogative Court of Canterbury to vest in Registrar of the Court.

CXXXIII. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court, shall at the Time appointed for the Commencement of this Act vest in the Principal Registrar for the Time being of the Court, subject to the Payment of such Rents and the Performance and Fulfilment of such Contracts in respect thereof as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting.

Compensation to Rev. R. Moore for Building.

CXXXIV. In lieu of and Compensation for such Claim, Title, and Interest as aforesaid, the said Robert Moore, his Executors or Administrators, shall be entitled to receive, out of the Fund herein-after provided in that Behalf, such Sum of Money and in such Instalments as shall be agreed upon by Two competent Persons, one of whom shall be appointed by himself, his Executors or Administrators, and the other by the Commissioners of Her Majesty's Treasury, and in case such Persons disagree they shall appoint a Third, whose Award shall be final.

How Compensation is to be paid.

CXXXV. The Compensation payable to the Reverend Robert Moore, Clerk, in respect of such Claim, Title, and Interest as aforesaid in or in respect of the said Building at present used as the Public Registry of the Prerogative Court, shall be paid to the said Robert Moore, his Executors or Administrators, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, entitled "The Testamentary Fee Fund Account."

Time of Payment of Salaries, &c.

CXXXVI. All Salaries, Compensations, and Superannuations or retiring Allowances shall grow due from Day to Day, but shall be payable on the   Day of   , the   Day of   , the   Day of   , and the   Day of   , in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto out of the Fund standing in the Name of the Accountant General of the Court of Chancery, entitled "The Testamentary Fee Fund Account," by virtue of any Order to be made from Time to Time for that Purpose, without any Draft from the Accountant General.

Power to Lord Chancellor to order Surplus of Testamentary Fee Fund to be paid into the Exchequer.

If Fund insufficient to defray Salaries, &c., Commissioners of the Treasury to provide for same.

CXXXVII. If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Lord Chancellor may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; *and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Lords Commissioners of Her Majesty's Treasury shall and they are hereby authorized and required to direct the Amount of such Deficiency to be charged upon and paid out of the Consolidated Fund.*

Probate of Will or Grant of Administration of Effects of Person dying domiciled in England to

CXXXVIII. Every Probate or Administration granted by the Court with respect to the Effects of any Person dying domiciled in England shall be as valid and effectual with respect to the Personal Estate of the Deceased in Ireland or Scotland as with respect to his Personal Estate in England; and in like Manner every Probate or be valid in Ireland or Scotland.

In like Manner Probate or Administration granted by Her Majesty's Prerogative Court in Ireland to be valid in Great Britain.

Proviso.

Administration granted by Her Majesty's Prerogative Court in Ireland with respect to the Effects of any Person dying domiciled in Ireland shall be as valid and effectual with respect to the Personal Estate of the deceased in Great Britain as with respect to his Personal Estate in Ireland; and every Confirmation of Executors to any Person dying domiciled in Scotland shall be as valid and effectual with respect to the Personal Estate of the Deceased in England or Ireland as with respect to his Personal Estate in Scotland: Provided always, that no Person making any Payment or transferring any Personal Estate to any Person claiming under any such Probate, Administration, or Confirmation as aforesaid shall be bound to inquire into the Domicile of the Deceased, if the Fact of such Domicile shall be stated on the Face of the Probate, Administration, or Confirmation, or be in anywise affected though the Domicile of the Deceased may be untruly stated thereon.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

FORM OF PROBATE.

In Her Majesty's Court of Probate and Administration.

BE it known, That on the Day of 18 the last Will and Testament of *A.B.*, late of deceased, hereunto annexed, [*insert here if necessary*, and who at the Time of his Death was domiciled in England,] was proved and registered in the Court of Probate and Administration, and that the Administration of all and singular the Goods, Chattels, and Credits of the said Deceased, and any way concerning his Will, was granted by the Court to *C.D.*, the sole Executor [*or as the Case may be*] named in the said Will, he having been already sworn well and faithfully to administer the same, and to make a true and perfect Inventory of all and singular the said Goods, Chattels, and Credits, and to exhibit the same in the Testamentary Office of the said Court on or before the Day of 18 , and also to render a just and true Account thereof.

(Signed) *C. D.*
Registrar of Her Majesty's Court of
Probate and Administration.

Sworn under £ , and
that the Testator died at
in the County of on the
Day of 18 .
(L.S.)

FORM OF LETTERS OF ADMINISTRATION.

In Her Majesty's Court of Probate and Administration.

BE it known, That on the Day of 18 , Letters of Administration of the Goods, Chattels, and Credits of *A.B.*, late of , deceased, who died intestate, [*insert here if necessary*, and who at the Time of his Death was domiciled in England,] were granted by the Court of Probate and Administration to *C.D.*, of , the Widow [*or as the Case may be*] of the said Intestate, she having been already sworn well and faithfully to administer the same, and to make a true and perfect Inventory of all and singular the said Goods, Chattels, and Credits, and to exhibit the same in the Testamentary Office of the said Court on or before the Day of 18 , and also to render a just and true Account thereof.

(Signed) *C.D.*
Registrar of Her Majesty's Court of
Probate and Administration.

Sworn under £ , and
that the Intestate died at
in the County of on the
Day of 18 .

(L.S.)

Form of Renunciation.

Whereas *A.B.* of in the County of , deceased, died on the Day of 185 [having made and duly executed his last Will, bearing Date the Day of 185 , and thereof appointed *C.D.* Executor and Residuary Legatee in Trust] :

Now I the said *C.D.* do hereby expressly renounce all my Right, Title, and Interest to the [Probate and Execution of the said Will, and of the Letters of Administration with the said Will annexed]

(*add, in Cases where a Solicitor or Attorney appears for the Person renouncing*)

[And I do hereby appoint *E.F.* of Solicitor or Attorney-at-Law (*as the Case may be*), to lodge or cause this Renunciation to be lodged for me in the Testamentary Office belonging to Her Majesty's Court of Probate and Administration]. In witness whereof I have hereto set my Hand, this Day of 185 . *C.D.*

Signed by the said *C.D.* in the Presence of *G.H.*

N.B.—The Parts of the above Renunciation between Brackets must be altered according to the various Circumstances of the Case.

SCHE-

SCHEDULE (B.)

Form of Affidavit and Schedule.

In Her Majesty's Court of Probate and Administration.

In the Matter of the Estate of *A.B.*, deceased.

I, *C.D.*, (*a*) of the Person [*or* One of the Persons] applying for Probate [*or* Administration] of the (*b*) Personal Estate and Effects of late of deceased, *make Oath*, (*c*) and say as follows:

(1.) *That the said A.B.* died on or about the Day of One thousand eight hundred and at (*d*)

(2.) That the Personal Estate and Effects of the said Deceased which he any way died possessed of or entitled to, and for or in respect of which Probate [*or* Administration] is to be granted, exclusive of what the said Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially, (*e*) and without deducting anything on account of the Debts due and owing from the said Deceased, are under the Value of Pounds, to the best of my Knowledge, Information, and Belief. (*f*)

(3.) And that the Schedule hereunto annexed, to which I have set and subscribed my Name, contains, to the best of my Knowledge, Information, and Belief, the Nature and Description of the said Personal Estate and Effects.

(Signed) *C.D.*

Sworn at this Day of 18 .

Before me [*Person authorized to administer Oaths under this Act*].

(*a*) Insert the Names and Residences, and the Titles or Professions, of the Persons making the Affidavit.

(*b*) Insert the Nature of the Grant and Description of the Deceased.

(*c*) In case of Quakers, *solemnly affirm.*

(*d*) Insert Place of Death, or set forth the Reason why the same cannot be furnished.

(*e*) Insert as to Leasehold Estates, if any.

(*f*) If no Leasehold Estates, insert so here.

SCHEDULE OF PERSONAL ESTATE.

——	Value.		
	£	*s.*	*d.*
Household Goods, Linen, Wearing Apparel, Books, Plate, &c. at [*State where situate.*]			
Stock in Trade, Farming Stock, and Implements of Husbandry at [*State where situate.*]			
Property in the Public Stocks or Funds transferable at the Bank *or* South Sea House.			
Leasehold Property at [*State where situate.*]			
Property in Public Companies. [*State what Companies.*]			
Money out on Mortgage and other Securities. [*State what Mortgages or other Securities.*]			
Other Personal Property, not comprised under the foregoing Heads. [*State the Nature and Description.*]			

SCHEDULE (C.)

A true, full, plain, perfect, and particular Inventory of all and singular the Goods, Chattels, and Credits of *A.B.*, late of deceased, which have at any Time since his Death come to the Hands, Possession, or Knowledge of *C.D.* (the sole Executor named in the last Will and Testament of the said *A.B.*, *or* Administrator, *as the Case may be*,) made and exhibited upon and by virtue of the corporal Oath of the said *C.D.* as follows; to wit,

First, this Exhibitant saith, that the said Deceased was at the Time of his Death possessed of—

	£	*s.*	*d.*
[*The Details of the Effects of the Testate or Intestate must be here inserted in as many Sheets of Paper as may be necessary, and the Value inserted opposite the various Particulars.*]			

Lastly, this Exhibitant saith, that no Goods, Chattels, or Credits of or belonging to the Personal Estate of the said Deceased have at any Time since his Death come to the Hands, Possession, or Knowledge of this Exhibitant, save as is herein-before set forth.

(Signed) *C.D.*

On the Day of 18 the said *C.D.* was duly sworn to the Truth of the above Inventory.

Before me, .

SCHEDULE (D.)

Let nothing be done in the Goods of *A.B.*, late of in the County of , deceased, unknown to *C.D.* (the Solicitor or Attorney of *or as the Case may be*,) of in the County of having Interest.

(Signed) *C.D.* or *E.F.* of
the Solicitor or Attorney of the said *C.D.*

Dated this Day of 18 .

To the Principal Registrar of
the Testamentary Office, London.

SCHEDULE (E.)

	Annual Salary. £
The Principal Registrar - - - -	*2,500*
The Four Registrars, each - - - - -	*1,800*
The Sixteen Official Proctors, each - - -	*1,000*
The Two Commissioners for administering Oaths, each - - - - - -	*600*

SCHEDULE (F.)

Table of Probate Fees.

Property.	Stamp.			Fee to be received in lieu of the present Proctorial Fee.			Property.	Stamp.			Fee to be received in lieu of the present Proctoral Fee.		
£	£	s.	d.	£	s.	d.	£	£	s.	d.	£	s.	d.
100	0	10	0	0	1	6	12,000	200	0	0	12	10	0
200	2	0	0	0	6	0	14,000	220	0	0	13	0	0
300	5	0	0	0	15	0	16,000	250	0	0	13	15	0
450	8	0	0	1	4	0	18,000	280	0	0	14	10	0
600	11	0	0	1	13	0	20,000	310	0	0	15	5	0
800	15	0	0	2	5	0	25,000	350	0	0	16	5	0
1,000	22	0	0	3	6	0	30,000	400	0	0	17	10	0
1,500	30	0	0	4	10	0	35,000	450	0	0	18	15	0
2,000	40	0	0	6	0	0	40,000	525	0	0	20	12	6
3,000	50	0	0	7	10	0	45,000	600	0	0	22	10	0
4,000	60	0	0	9	0	0	50,000	675	0	0	24	7	6
5,000	80	0	0	9	10	0	60,000	750	0	0	26	5	0
6,000	100	0	0	10	0	0	70,000	900	0	0	30	0	0
7,000	120	0	0	10	10	0	80,000	1,050	0	0	33	15	0
8,000	140	0	0	11	0	0	90,000	1,200	0	0	37	10	0
9,000	160	0	0	11	10	0	100,000	1,350	0	0	41	5	0
10,000	180	0	0	12	0	0							

SCHEDULE (G.)

Table of Administration Fees.

Property.	Stamp.			Fee to be received in lieu of the present Proctorial Fee.			Property.	Stamp.			Fee to be received in lieu of the present Proctorial Fee.		
£	£	s.	d.	£	s.	d.	£	£	s.	d.	£	s.	d.
50	0	10	0	0	1	6	10,000	270	0	0	14	5	0
100	1	0	0	0	3	0	12,000	300	0	0	15	0	0
200	3	0	0	0	9	0	14,000	330	0	0	15	15	0
300	8	0	0	1	4	0	16,000	375	0	0	16	17	6
450	11	0	0	1	13	0	18,000	420	0	0	18	0	0
600	15	0	0	2	5	0	20,000	465	0	0	19	2	6
800	22	0	0	3	6	0	25,000	525	0	0	19	12	6
1,000	30	0	0	4	10	0	30,000	600	0	0	22	10	0
1,500	45	0	0	6	15	0	35,000	675	0	0	24	7	6
2,000	60	0	0	9	0	0	40,000	785	0	0	27	2	6
3,000	75	0	0	9	7	6	45,000	900	0	0	30	0	0
4,000	90	0	0	9	15	0	50,000	1,010	0	0	32	15	0
5,000	120	0	0	10	10	0	60,000	1,125	0	0	35	12	6
6,000	150	0	0	11	5	0	70,000	1,350	0	0	41	5	0
7,000	180	0	0	12	0	0	80,000	1,575	0	0	46	17	6
8,000	210	0	0	12	15	0	90,000	1,800	0	0	52	10	0
9,000	240	0	0	13	10	0	100,000	2,025	0	0	58	2	6

Wills and Administrations.

A

BILL

To abolish the Jurisdiction of all the Ecc
siastical and Peculiar Courts in England a
Wales in all Matters relating to Wills a
Administrations, to establish a distinct Co
of Probate, and otherwise amend the Law
relation to the Administration of the Esta
of deceased Persons.

(*Prepared and brought in by*
Mr. Solicitor General, Sir George Grey, and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1856.

[Bill 74.]

Under 7 oz.

27 *June* 1856. 19 & 20 VICT.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Abolish the Jurisdiction of all the Ecclesiastical and Peculiar Courts in England and Wales in all Matters relating to Wills and Administrations, to establish a distinct Court of Probate, and otherwise amend the Law in relation to the Administration of the Estates of deceased Persons.

WHEREAS it is expedient that the Jurisdiction of granting Probates of Wills and Letters of Administration of the Effects of deceased Persons should cease to be exercised by Ecclesiastical, Manorial, and other Courts in England, and that such Jurisdiction should be exercised by Her Majesty in a Court to be established for that Purpose; and it is also expedient that the Law with respect to Matters and Causes Testamentary should be amended in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows: Preamble.

Interpretation Clause.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning hereto assigned to them; (that is to say,)

Will:

" Will " shall comprehend " Testament," " Codicil," " Appointment " by Will or Writing in the Nature of a Will, and all other " Testamentary Instruments and Papers of which Probate may " now be granted:"

Administration:

" Administration " shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, Administrations de bonis non, " durante minore ætate," " ad litem," " pendente lite," " durante absentiâ," and all other Letters of Administration whatsoever, whether granted for general, special, or limited Purposes:

Real Estate:

" Real Estate " shall comprehend Manors, Advowsons, Messuages, Lands, Tithes, Rents, and Hereditaments, whether Freehold, Customaryhold, or Copyhold, or of any other Tenure (except Leasehold), and whether corporeal or incorporeal, and to any undivided Share thereof, and any Estate, Right, or Interest (other than a Chattel Interest) therein:

Personal Estate:

" Personal Estate " shall comprehend Leasehold Estates and other Chattels Real, and also Moneys, Shares of Government and other Funds, Securities for Money (not being Real Estates) Debts, Choses in Action, Rights, Credits, Goods, and all other Property whatsoever which by Law devolves upon the Executor or Administrator, and any Share or Interest therein:

Matters and Causes Testamentary:

" Matters and Causes Testamentary " shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills, Codicils, Appointments by Will or Writings in the Nature of a Will, and all other Testamentary Instruments, and also the Grant or Revocation of Administration of the Effects of deceased Persons:

Common Form Business:

" Common Form Business " shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

The Court:

" The Court " shall mean " Her Majesty's Court of Probate and Administration " hereby established, and shall also include the Judge of the said Court:

Judge:

" The Judge " shall mean the Judge of the said Court:

"The Court of Chancery" shall mean the High Court of Chancery in England: Court of Chancery:

"Accountant General" shall mean the Accountant General in the High Court of Chancery in England: Accountant General:

"The Prerogative Court" shall mean the Prerogative Court of the Archbishop of Canterbury: The Prerogative Court:

"Prerogative Office" shall mean the Prerogative Office belonging to the Prerogative Court of the Archbishop of Canterbury: Prerogative Office:

"County Court" shall mean a Court holden under an Act passed in the Tenth Year of Her Majesty, Chapter Twenty-five: County Court:

"Lord Chancellor" shall comprehend the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being: Lord Chancellor:

"Person" shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual: Person:

"Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster: Superior Courts:

"The Testamentary Office" shall mean the public Registry attached or belonging to Her Majesty's Court of Probate or Administration under this Act, and the Offices connected therewith: The Testamentary Office:

"The District Office" shall mean the public Registry attaching or belonging to Her Majesty's Court of Probate and Administration in each District hereby established: The District Office.

"The Registrar" shall mean the Principal Registrar and other Registrars of the Testamentary Office: Registrar:

"District Registrar" shall mean the Registrar of each District Office hereby established. District Registrar.

II. This Act may be cited as "The Testamentary Jurisdiction Act, 1856." Short Title of Act.

III. This Act shall not extend to Scotland and Ireland, except where expressly mentioned. Extent of Act.

IV. The Provisions of this Act (except where otherwise specially provided) shall come into operation on the First Day of January One thousand eight hundred and fifty-seven, or such other Day as Her Majesty shall by Order in Council appoint, provided that such Order shall be made Two Months at least previously to the Day so to be appointed. Commencement of Act.

V. The voluntary and contentious Jurisdiction, Power, and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in England, now having Jurisdiction, Power, Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

Power, or Authority to grant or revoke Probates of Wills or Letters of Administration of the Effects of deceased Persons, shall, in respect of such Matters, absolutely cease and determine, and no Jurisdiction, Power, or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant of Probate or Administration, shall belong to or be exercised by any such Court or Person as aforesaid.

Testamentary Jurisdiction vested in Her Majesty's Court of Probate and Administration.

VI. The voluntary and contentious Jurisdiction, Power, and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in England, together with full Power and Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall be exercised in the Name of Her Majesty in a Court to be called "Her Majesty's Court of Probate and Administration."

The Court to have Jurisdiction over all Wills.

VII. Probate shall be taken of all Wills, whether operating on Real Estate only or on Personal Estate only, or on Real and Personal Estate; and the Court shall have the same Jurisdiction, Power, and Authority with regard to Wills operating on Real Estate only, or on Real and Personal Estate, as with regard to Wills operating on Personal Estate only.

The Court to grant Certificate of Intestacy.

VIII. The Court shall have Jurisdiction to grant Certificates of Intestacy as to Real Estate.

Court to have the Construction of Wills and Administration of Assets.

IX. The Court shall have and exercise the same or the like Jurisdiction, Powers, and Authorities as are now vested in the Superior Courts of Law and Equity at Westminster by Statute or otherwise with respect to the Construction of Wills, the Declaration of the Rights of Parties interested under the same, and the Administration of the Estates of deceased Persons, and also have and exercise all Powers and Authorities by Statute or otherwise now exercised by the Prerogative Court, or any other Court or Person exercising or entitled to exercise Jurisdiction in relation to Matters and Causes Testamentary.

Mode of enforcing Orders, Decrees, and Judgments.

X. The Orders and Decrees of the Court shall be enforced and put in execution in the same or the like Manner as the Judgments, Orders, and Decrees of the Superior Courts of Law and Equity at Westminster may be now enforced and put in execution.

Sittings.

XI. The Court shall hold its Sittings at such Place or Places in London or Middlesex or elsewhere as Her Majesty in Council shall from Time to Time appoint.

XII. It

Her Majesty empowered to appoint Judge of the Court.

XII. It shall be lawful for Her Majesty, at any Time after the passing of this Act, to appoint, by Letters Patent under the Great Seal of the United Kingdom, a fit and proper Person, being or having been an Advocate of Ten Years standing at the least, or a Barrister-at-Law of Fifteen Years standing at the least, to be the Judge of the Court.

Judge's Tenure of Office.

XIII. Every Judge appointed under this Act shall hold his Office during his good Behaviour, and shall not be removable therefrom otherwise than as a Judge of any of Her Majesty's Superior Courts may be removed.

Judge to take Oath.

XIV. Every Judge to be appointed under this Act shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being are hereby respectively authorized and required to administer:

'I A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of Her Majesty's Court of Probate and Administration. So help me GOD.'

Judges of other Courts to sit with or in the Absence of the Judge.

XV. It shall be lawful for any One or more of the Judges of the Superior Courts of Common Law at Westminster, or for the Master of the Rolls, or for any One or more of the Vice-Chancellors appointed under an Act passed in the Fifth Year of the Reign of Her present Majesty, Chapter Five, at the Request of the Judge, to sit in the Court as Judge or Judges thereof, with or in the Absence of the Judge.

Secretary, Usher, and Trainbearer.

XVI. The Judge shall have Rank and Precedence next after the Vice-Chancellors, and shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by him at his Pleasure; the Registrars and other Officers of the Court of Chancery, and the Principal Registrar, Registrars, and other Officers of the Court appointed under the Provisions of this Act, shall attend such Judge when sitting in Court or at Chambers, as Circumstances shall require, and as the Lord Chancellor shall direct.

Salaries.

XVII. There shall be paid to the Judge out of the Testamentary Fee Fund Account the net yearly Sum of Five thousand Pounds, and to his Secretary the net yearly Sum of Three hundred Pounds, to his Usher the net yearly Sum of Two hundred Pounds, and to his Trainbearer the net yearly Sum of One hundred Pounds, to be paid quarterly on the Day of January, Day of April, Day of July, and Day of October in every Year, by equal Portions;

Portions; and the first of such Payments to the said Judge and his Officers respectively, or a proportionate Part thereof, shall be computed from the Time of the Appointment of the said Judge, and shall be made on such of the said Days of Payment as shall first happen after the Date of the Letters Patent appointing the said Judge.

Retiring Pension.

XVIII. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may give and grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate and Administration, in pursuance of this Act, an Annuity not exceeding Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted, and such Annuity shall be issued and payable out of and chargeable upon the Testamentary Fee Fund Account, and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions, and the first quarterly Payment or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after the Resignation of the said Office; and the Executors or Administrators of the Person to whom the said Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement, or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided that Her Majesty, may in and by such Letters Patent, limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, including the Time he may have held the Office of Judge of One of the Superior Courts of Law or Equity, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Judge may appoint Persons to keep

XIX. The Judge may appoint One or more Persons, removable at his Pleasure, for the Purpose of keeping Order in the Court;

and the Salary of every such Person shall be of such Amount, not exceeding the yearly Sum of Eighty Pounds, as the Judge may think reasonable.

Order in Court.

Power to supply Vacancies in Office of Judge appointed under this Act.

XX. From Time to Time, when and as any Vacancy shall occur in the Office of the Judge who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Judge or his Successor for the Time being, Her Majesty may, by Letters Patent under the Great Seal of the United Kingdom, appoint a fit Person, being or having been an Advocate of Ten Years standing, or a Barrister-at-Law of Fifteen Years standing, to supply such Vacancy.

Seal of the Court.

XXI. The Judge shall direct proper Seals to be made for the Court, to be used in the Testamentary Office and District Offices respectively, and may direct the same to be broken, altered, and renewed, at his Discretion.

Establishment of Testamentary Office.

XXII. "The Testamentary Office" shall be established in such Place as Her Majesty in Council shall from Time to Time appoint.

District Office.

XXIII. There shall be established in each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a District Office to be called "The District Testamentary Office."

Officers of the Court.

XXIV. There shall be the following Officers of the Court; (that is to say,)

In the Testamentary Office:

One Principal Registrar;

Three Registrars;

Ten Official Proctors; all of whom respectively shall have the Power of administering Oaths; and

So many Principal Clerks, Assistant Clerks, Officers, Messengers, and Servants as the Lord Chancellor, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

In each District Office:

One District Registrar, and so many Clerks, Messengers, and Servants as the Judge, with the Sanction of the Commissioners of Her Majesty's Treasury, may think fit.

Power to increase Number of Registrars, Official Proctors,

XXV. If the Lord Chancellor shall at any Time be of opinion that the Business of the Court cannot be efficiently transacted without the Appointment of additional Registrars, Official Proctors, or District Registrars, it shall be lawful for him, with the Sanction of the Commis-

and District Registrars.

sioners of the Treasury, to increase the Number of such Registrars, Official Proctors, and District Registrars, or any of them, provided that not more than Two additional Registrars and Eight Official Proctors shall be so appointed, nor more than One additional District Registrar in any District.

Appointments to Offices.

XXVI. The Principal Registrar and the Registrars, the Official Proctors and the District Registrars, shall be appointed by the Lord Chancellor, the Principal Clerks, Assistant Clerks, Officers, and Messengers attached to the Testamentary Office shall be appointed by the Principal Registrar, with the Approbation of the Judge, and the Clerks and Messengers in each District Office shall be appointed by each District Registrar, with the Approbation of the Judge.

Oath of Principal Registrar and other Officers.

XXVII. The Principal Registrar, the Registrars, the Official Proctors, the District Registrars, and other Officers of the Court appointed under this Act shall, before acting in the Execution of any of the Duties of their Offices, respectively take an Oath in the Presence of the Judge to the Effect following:

'I A.B. do swear, That I will faithfully, honestly, and impartially,
' to the best of my Skill and Knowledge, execute the Duties of
' my Office as   and that without Favour or Affection.
' So help me GOD.'

Officers of Prerogative Court, &c. to be retained.

XXVIII. The present Deputy Registrars, Clerks of Seats, and other Clerks and Officers of the Prerogative Court shall, as far as may be found practicable and convenient, be appointed to Offices in the Testamentary Office of at least equal Value with the Offices they now respectively hold in the Prerogative Court.

Principal Registrar.

XXIX. The Principal Registrar shall, subject to any Rules and Orders to be made under this Act, have the general Superintendence and Control of the Offices of the Court and the Officers thereof, and the Business transacted therein, and at the Time of his Appointment to such Office shall be or have been an Advocate of Ten Years standing, or a Barrister-at-Law of the like standing, or have served as a Registrar of the Court for a Period of Five Years.

Qualification of future Registrars, Official Proctors, and District Registrars.

XXX. No Person shall hereafter be appointed a Registrar or an Official Proctor or District Registrar who shall not be or have been an Advocate, a Barrister-at-Law, a Proctor, a Solicitor, or an Attorney-at-Law: Provided, that any Person who at the Time of the passing of this Act is in Person performing the Duties of Registrar or Deputy Registrar of any Ecclesiastical Court shall be eligible for the Office of Registrar, Official Proctor, or District Registrar.

XXXI. The

Principal Registrar, &c. to execute their Offices in Person, and to hold Office during good Behaviour. Other Officers to hold Office during Pleasure.

XXXI. The Principal Registrar, Registrars, Official Proctors, and District Registrars shall execute their respective Offices in Person, and shall hold the same during their good Behaviour, subject to be removed by Order of the Lord Chancellor for some good and reasonable Cause to be in such Order expressed: The other Officers of the Court shall execute their respective Offices in Person, and not by Deputy, and shall hold their Offices during the Pleasure of the Lord Chancellor.

Advocates admitted to practise as Barristers.

XXXII. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England, in like Manner in all respects, and with the same Rank and Precedence, and the same Eligibility to Appointments under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Day on which they respectively were admitted as such Advocates.

Admission of Registrars and Proctors as Solicitors.

XXXIII. Every Person who at the Time of the passing of this Act is acting as Registrar or Deputy Registrar of any Ecclesiastical Court, or is actually admitted and practising as a Proctor in the Courts in Doctors Commons, or in any Ecclesiastical Court in England or Wales, may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an official Certificate thereof; and upon the Production of an official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

Admission of Articled Clerks to Proctors as Solicitors.

XXXIV. Every Person who at the Time of the Commencement of this Act has served or is actually serving as an Articled Clerk to a Proctor entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled to be admitted as a Solicitor of the High Court of Chancery, in the same Manner, and subject to the same Rules and Regulations, and upon the same Conditions, as if he had before the Commencement of this Act been articled to a Solicitor or to an Attorney-at-Law; and such Admission shall entitle such Articled Clerk so admitted as a Solicitor to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's

Superior Courts: Provided that if any such Proctor to whom any such Clerk is now articled shall retire from Practice after the passing of this Act, he shall and is hereby required to transfer such Articled Clerk to some other Proctor, or to a Solicitor, or to an Attorney-at-Law, for the unexpired Term of his Articles of Clerkship; provided that the Court shall at any Time have the same Power to transfer such Clerk, during the unexpired Term of his Articles of Clerkship, to any other Proctor, or to a Solicitor, or to an Attorney-at-Law, as the Judge of the Prerogative Court now has in respect to Clerks articled to Proctors practising in the Court of Arches.

Practitioners.

XXXV. All Solicitors and Attornies at Law may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court.

Orders to be drawn up.

XXXVI. Every Order of the Court, when drawn up by a Registrar, shall be entered in a proper Book to be provided for that Purpose, and such Registrar shall furnish to every Person requiring the same, on Payment of such Fee as shall be settled by any Rule or Order, an Office Copy of any such Order, which Copy shall be signed by a Registrar, and sealed or stamped with the Seal of the Court; and every such Office Copy, purporting to be so signed, and sealed or stamped with such Seal, shall at all Times, whether for the Purposes of this Act or otherwise, be admitted as Evidence of the Order of which it purports to be a Copy without any further Proof.

Accountant General and Taxing Masters.

XXXVII. It shall be competent to the Lord Chancellor to direct that the Accountant General and the Taxing Masters of the Court of Chancery shall act as Accountant General and Taxing Masters of the Court, and in such Case they shall carry into Effect the Orders of the Court in the same Manner as if they were Orders of the High Court of Chancery.

Appellate Tribunal.

XXXVIII. An Appeal shall lie to the Lords Justices, and thence, or immediately and without appealing to the Lords Justices, to the House of Lords, from all Orders or Decrees of the Court.

Mode of proceeding to obtain Probate or Administration in uncontested Cases at the

XXXIX. The Mode of proceeding to obtain Probate of a Will or Administration to the Effects of a deceased Person shall be as follows:—The Person desirous of proving any Will or obtaining Letters of Administration to the Effects of any deceased Person may, either personally or through a Solicitor, apply for the same at the Testamentary Office of the Court, and leave or cause to be left in such Office the Will, if any, of the Deceased (unless the same shall have been previously deposited in the Court or the Registries thereof, or shall for any other Reason be not required to be left), and also a Copy of the Will, if any, and an Affidavit made by the Person or some One of the Persons applying for such Probate or Administration, with a Schedule thereto, in a Form similar to the Form set forth in the Schedule (A.) to this Act, with such Variations as the Nature and Circumstances of the Case may require, and such other Papers as may be necessary for the Purpose of obtaining such Probate or Administration; but where the Application for Probate or Administration is made to a District Registrar, the Person applying, or his Solicitor or Agent, shall leave or cause to be left with such District Registrar the Will, if any, of the Deceased, and such other Papers as may be necessary for the Purpose of obtaining such Probate or Administration, and the said District Registrar shall take the same Will into his Custody, and shall administer such Oaths as shall be necessary to be taken before such Probate or Administration can be granted, and shall transmit to the principal Registrar the said original Will, Affidavit, and other Papers for Probate or Administration as the Case may be; and the said Principal Registrar shall thereupon, if no Cause to the contrary appear, cause Probate or Administration to issue, and shall within Seven Days of the Receipt by him of the said Will and Papers forward the Probate or Letters of Administration to the said District Registrar, and such Number of official Copies as shall be required, and the said District Registrar shall forthwith cause a Copy of the said Probate or Note of the said Administration to be entered in a Book to be kept by him for Inspection, and to be called the "District Search Book," and having so made Entry of the said Will or Administration shall deliver over to the Executor or Administrator, or his Solicitor or Proctor, the said Probate or Administration on being paid by such Person the proper Stamp Duty and Fees in respect thereof, which Duty and Fees the said District Registrar shall forthwith pay over and apply as directed by the Rules and Orders under this Act.

Testamentary and District Offices.

XL. If and when the Registrar or District Registrar shall be satisfied upon any Application for Probate or Administration, he shall signify to the Person making such Application as aforesaid that the same ought to be granted, and shall, subject to such Rules and Orders as may be made by the Lord Chancellor as to the Payment of the Stamp Duty on such Probate or Administration and the Fees payable thereon, cause such Probate or Administration to be delivered or transmitted through the General Post Office to the Person making such Application or to his Solicitor.

Registrar or District Registrar to cause Probate or Administration to be granted.

Form of Probate and Administration.

XLI. Probate and Administration may be granted in the Form or to the Effect set forth in Schedule (B.) to this Act, with such Variations as the Nature and Circumstances of the Case may require.

Reference of Questions when necessary to Judge.

XLII. Any Question arising in the Transaction of Common Form Business may be referred by the District Registrar to the Principal Registrar, for the Directions of the Judge.

No Probate or Administration to be granted through District Office, unless Deceased had fixed Place of Abode in District.

XLIII. Probate or Administration shall not in any Case be granted through any District Office, unless it shall appear by Affidavit of the Person or some One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, and that the Personal Estate and Effects of such Testator or Intestate within England, Scotland, and Ireland do not exceed the Sum of One thousand five hundred Pounds in Value.

Affidavits conclusive.

XLIV. The Affidavit or Affidavits so to be made shall be conclusive for the Purpose of authorizing the Grant of Probate or Administration through the District Office; and no Grant of Probate or Administration made through any District Office shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death.

Option of applying to Testamentary or District Office.

XLV. It shall not be obligatory on any Person to apply for Probate or Administration through any District Office, but in every Case such Application may be made at the Testamentary Office for such Probate or Administration wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode.

Note and Copy of Will, &c. to be transmitted from District.

XLVI. Every District Registrar shall, within the first Fourteen Days of every Calendar Month, transmit to the Registrar a Schedule, containing a Note of every Probate or Administration with the Will annexed, granted during the preceding Month, and also a Note of every Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects.

Copies of Probates and Administrations to be printed.

XLVII. When Probate or Administration has been granted, a Probate Copy and other official Copies of Wills and Administrations, with or without the Will annexed, as the Case may be, shall be printed under the Directions of the Principal Registrar, and such official Copies shall be marked so as to indicate the Stamp Duty impressed on the Probate Copy.

Principal Registrar to transmit printed Copy of Will to certain Offices.

XLVIII. The Principal Registrar or a Registrar shall, within such Time as the Lord Chancellor shall direct, cause a printed Copy of every Probate or Administration to be transmitted through the Post or otherwise to each of the following Offices or Places, subject to such General Rules and Orders as the Lord Chancellor may from Time to Time direct; that is to say,

1. The Metropolitan Register Office of Births and Deaths in London:
2. The Office of Her Majesty's Prerogative in Dublin:
3. The Office of the Commissary of the County of Midlothian in Edinburgh:
4. The Office of the Clerk of the County Court in the District within which the Deceased died, in all Cases where the Place of his Death shall be known to have been within any such District:
5. Such other Offices or Places, if any, as the Lord Chancellor shall from Time to Time direct.

Such printed Copy to be inspected on Payment of a Fee of Sixpence.

XLIX. Any printed Copy of a Will or Administration so transmitted as aforesaid may be inspected by any Person on Payment of a Fee of Sixpence.

Principal Registrar to have sufficient Number of Copies printed for Inspection and Sale.

L. The Principal Registrar shall have as many Copies of Wills and Administrations printed as he shall think necessary, for Inspection and Sale, having regard to the Nature of the Instrument, the Amount of the Property, and the probable Demand for Copies thereof.

Printed Copy to be stamped.

LI. Every printed Copy issued from the Testamentary Office shall be sealed or stamped with the Seal of the Court, and also marked in such Manner as to denote the Amount of ad valorem Duty which has been paid in respect of such Probate or Administration.

Official written Copy of whole or Part of a Will may be obtained.

LII. Notwithstanding the preceding Enactments, an official Copy of any Part or Portion of a Will, or of the whole thereof, or of an official Certificate of the Grant of any Letters of Administration, may be obtained from the Testamentary Office or District Office, on the Payment of such Fee as shall be fixed for the same by the Rules and Orders under this Act.

Persons to take Probate or Ad-

LIII. Every Person named as Executor in the Will of any deceased Person, and every Person having a Right to Letters of Administration within Three Months of the Death of the Deceased.

Administration of the Estate and Effects of any deceased Person, shall within Three Calendar Months after the Death of the Deceased apply for Probate or Letters of Administration, or renounce his Right thereto, in the Form herein provided, or to the effect thereof. If such Executor or other Person neglect to apply for Probate or Administration within Three Calendar Months after the Death of the Deceased, the Court may, subject to the Rules and Orders under this Act, proceed to grant Administration, with or without the Will annexed, as the Case may be, to some other Person.

Affidavit and Schedule to be made by Persons applying for Probate.

LIV. Every Person applying for the Probate of a Will or Grant of Administration shall, before such Probate or Administration be granted, make an Affidavit, having a Schedule annexed thereto, according to the Form set forth in Schedule (C.) to this Act annexed or to the Effect thereof, with such Variations as the Nature and Circumstances of the Case may require: The Original of such Affidavit and Schedule shall be forwarded to the Stamp Office in lieu of the Affidavit at present required under Statute Fifty-five George the Third, Chapter One hundred and eighty-four, Section Thirty-eight, and a Copy of such Affidavit and Schedule shall be retained in the Testamentary Office or District Office.

Executors or Administrators within Six Months to file Inventory of the Effects of the Deceased.

LV. Within Six Calendar Months after the Grant of Probate or Administration, every Executor and Administrator shall file in the Testamentary Office, or if the Grant shall have issued from a District Office then in such District Office, an Inventory of the Estate and Effects of the Deceased verified by an Affidavit, for or in respect of which the Probate or Administration shall have been granted, in the Form set forth in Schedule (D.) to this Act annexed, or to the Effect thereof.

In case of Neglect of Executor or Administrator to file Inventory.

LVI. If any Executor or Administrator neglect to file such Inventory and Affidavit within the Period of Twelve Calendar Months from the Date of the Probate or Administration, or within such further Time as may be allowed by the Court, any Person interested in the Estate of the Deceased may apply in a summary Manner to the Court, and upon such Application the Court may order such Inventory and Affidavit to be filed on or before a certain Day, and may award such Costs against the Executor or Administrator, either personally or out of the Estate, as it may deem right.

Renunciation of Probate or Administration.

LVII. Every Person desirous of renouncing his Right to Probate of any Will, or to the Letters of Administration of the Effects of any deceased Person, shall do so according to the Form set forth in Schedule (B.) to this Act annexed, or to the Effect thereof, with such

such Variations as the Nature and Circumstances of the Case may require, and such Renunciation shall be deposited in the Testamentary Office or District Office.

LVIII. Caveats against the Grant of Probates or Administrations may be lodged in the Testamentary Office or in any District Office, according to the Form set forth in Schedule (E.) to this Act annexed, or as near as may be; and the Practice and Proceedings under such Caveats in the Court shall, as near as may be, correspond with and be similar to the Practice and Proceedings under Caveats now in use in the Prerogative Court, except so far as may be otherwise provided by any General Order to be made in pursuance of this Act; and when a Caveat shall be lodged in the Testamentary Office, in which Caveat the Residence of the Testator or Intestate shall be described as having been in One or more of the Country Districts, the Registrar shall immediately send a Copy of such Caveat to the District Registrar or Registrars; and when a Caveat shall be lodged in any District Office the District Registrar shall immediately send a Copy thereof to the Registrar, to be entered among the Caveats in the Testamentary Office.

Caveats.

LIX. Certificates of Intestacy shall be issued through the Testamentary Office or District Office in pursuance of an Order by the Judge, such Order may be made in any Suit or upon summary Application by the Heir or any One of the Co-heirs of the Intestate, or of any Person interested in the Real Estate of the Intestate.

Certificates of Intestacy to be issued through Testamentary Office, &c.

LX. In lieu of a Citation, Decree, or other Process now issuable from the Prerogative Court, calling upon Executors or other Persons to accept or refuse Probate or Administration, or to show Cause why the same should not be granted to the Person suing out the Process, a Summons shall be issuable from the Testamentary Office, returnable before the Court, and the Practice thereunder shall be regulated by the Rules and Orders under this Act.

Instead of Citation, Summons to be issued from the Testamentary Office.

LXI. Any Person being desirous of proving a Will or obtaining an Administration, or of establishing a Will of Real Estate against an Heir-at-Law, or of recalling or revoking a Probate or an Administration, may institute a Suit in the Court for the Purpose, in the most simple and summary Manner, according to the Form and Mode of Procedure to be prescribed by the Rules and Orders under this Act.

Suit to establish Will, &c.

LXII. The Judge may, whenever he deems it expedient, direct an Advertisement to be inserted in the "London Gazette," or such other Newspaper or Newspapers as he may direct, that an Application has

Application for Grant of Probate, &c. may be advertised.

has been made to the Court for a Grant of Probate or Administration, with such other Particulars as the Judge may sanction.

No Demurrer for Want of Parties, but Suit to proceed, if Judge think fit.

LXIII. It shall not be competent to a Defendant in any Suit to object thereto for Want of Parties, or to require as of Right that the Suit should not proceed without having other Persons made Parties thereto than the actual Defendant or Defendants thereto, but in every such Case it shall be discretionary with the Court to proceed with such Suit, and to determine the Questions arising therein, on being satisfied that there are before the Court in the Suit, either actually or by Representation, Parties having such an Interest in the Questions to be determined as that in the Judgment of the Court the same may safely be decided without requiring any other Person to be made a Party thereto.

Decree or Order of Court to bind all Persons, &c.

LXIV. The Determination of the Court in any such Suit, if the Court shall think fit so to declare by its Decree or Order therein, shall bind all Persons named or referred to therein by a particular or general Description, including Persons under Disability, whether Parties to the Suit or not, and Persons unborn.

Saving Right of Appeal.

LXV. Any Person named or referred to by any such Decree or Order as last aforesaid, and purporting to be bound thereby, though not a Party to the Suit, may have such Relief, if any, against the same, by way of Re-hearing or Appeal, or otherwise, as he would have been entitled to in case he had been originally made a Party thereto.

No Will receivable in Evidence until proved.

LXVI. No Will of any Person dying after the Time appointed for the Commencement of this Act shall be received or receivable in Evidence in the Court, (except in Matters of Testacy or Intestacy, or in Cases of Waste or other Cases requiring the immediate Interposition of the Court,) or in any other Court, or before any other Tribunal, either with respect to Real or Personal Estate, unless or until such Will shall have been proved in the Court under the Provisions of this Act.

Power to Court to appoint Real Representative.

LXVII. It shall be lawful for any Person interested in the Real Estate of any deceased Person, whether such Person shall have died before or after the passing of this Act, to apply to the Court in any Suit, or upon Motion or Petition, in a summary Manner, without Bill or Claim filed, to appoint some Person to be the Representative of the Real Estate of such deceased Person or any Part thereof; and the Court, if it shall think fit, shall, upon Notice of such Application to such Persons, if any, as it shall think fit, have Power to make such

Appointment as to such Real Estate only of the Deceased as may not be vested in Trustees or a Trustee in Trust for Sale, with Power to give Discharges to Purchasers, or over which there shall not be a Power of Sale exercisable by a Trustee or Trustees with a like Power of giving Discharges.

Effect of Probate taken out by Executors as to Real Estate.

LXVIII. When Probate of any Testator's Will, operating on Real Estate as well as on Personal Estate, shall have been granted to the Executor or any One or more of the Executors thereby appointed, such Probate shall enure for the Benefit of the Person or Persons to or for whose Benefit the Real Estate devised by such Testator shall have been devised.

Summons to Executors, &c. to prove Will of Real Estate. In default Grant to be made to Applicant.

LXIX. It shall be lawful for any Devisee, Creditor, or other Person interested in the Real Estate devised by any Testator's Will operating as well on Real Estate as on Personal Estate, to apply to the Court to issue and for the Court to issue accordingly a Summons requiring the Executor, if any, and if there shall be no Executor then the Residuary Legatee, if any, and if there shall be neither Executor nor Residuary Legatee, then the Person entitled to Administration of the Personal Estate of the Deceased with such Will annexed, to obtain Probate of such Will or Administration of the Personal Estate of the Deceased with such Will annexed in the Testamentary Office or any District Office having Jurisdiction to grant such Probate or Administration, by a Time to be limited in such Summons; and if such Executor, Residuary Legatee, or other Person, having been duly served with such Summons, shall not have taken out such Probate or Administration within the Time so to be limited, then and in such Case it shall be lawful for the Testamentary or District Office respectively to grant a Probate of such Will, at the Instance of such Devisee, Creditor, or other Person interested in such Real Estate, in order that there may be proper Evidence of such Will; but such Probate shall not give the Person applying for or obtaining the same, or any other Person, any Right or Title to administer or in any way to interfere with the Personal Estate of the Deceased, nor shall such Probate be received or receivable as any Evidence of the Title of the Executor, if any, named or appointed by the Will, or be otherwise available with respect to the Personal Estate of the Deceased; provided that it shall be lawful for the Judge, in any Case in which he shall deem it expedient so to do, to direct substituted Service of such Summons, or wholly to dispense with the Service thereof.

Such Grant not to prejudice any subsequent Grant.

LXX. The Grant of such Probate as last aforesaid shall in nowise prevent or prejudice any subsequent Probate or Grant of Letters of Administration of the Personal Estate of the Deceased with his Will annexed upon the Application of the Executor, Residuary Legatee, or other Person entitled to the same, but such Probate or Letters of Administration shall recite or refer to the Probate which shall have been granted as aforesaid at the Instance of such Devisee, Creditors, or other Person interested as aforesaid.

Devisee of Real Estate devised by Will may obtain Probate of such Will.

LXXI. It shall be lawful for any Devisee, Creditor, or other Person interested in the Real Estate devised by any Testator's Will, whether consisting of One Instrument or Two or more Instruments or Sets of Instruments, (operating on Real Estates only,) to obtain Probate of such Will, which Probate shall enure for the Benefit of all the Devisees under the same Will; but such Probate shall not give the Person obtaining the same any Right or Title to administer or in anywise to interfere with the Personal Estate of the Deceased.

Administration with Will annexed of Personal Estate to have the same Effect as to Real Estate as Probate.

LXXII. Letters of Administration of the Personal Estate of any deceased Person with his Will annexed, where such Will operates on Real Estate as well as on Personal Estate, shall have the same Operation and Effect as to the Real Estate devised by such Will as a Probate thereof would have had if taken out by an Executor therein named or appointed.

Where a Person dies leaving an Instrument affecting Real Estate, and another Instrument affecting Personal Estate, separate Probate to be granted, but in no other Case.

LXXIII. Where a Person shall die leaving One Testamentary Instrument or One Set of Testamentary Instruments affecting Real Estate only, and another Testamentary Instrument or Set of Testamentary Instruments affecting Personal Estate, Probate of the Testamentary Instrument or Set of Testamentary Instruments affecting the Testator's Real Estate shall be granted separately from the Probate or Administration with the Will annexed which may be granted with respect to the Testator's Personal Estate; but it shall not be lawful for the Court in any other Case to grant separate Probates of separate Testamentary Instruments of the same Testator, or separate Administrations with separate Testamentary Instruments annexed, of different Portions of the Personal Estate of the same Testator.

Unrestricted Grant to be Evidence that Testator left no other Will.

LXXIV. Wherever Probate of any Will or Administration with the Will annexed shall be granted without being expressly restricted to the Real Estate or to the Personal Estate of the Testator, such Probate or Administration while uncancelled or unrevoked shall be conclusive Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument.

Restricted Grant to be Evidence, as the Case may be.

LXXV. Wherever Probate of any Will or Administration with the Will annexed shall be granted restricted either to the Real Estate or to the Personal Estate of the Testator, such Probate or Administration while uncancelled or unrevoked shall be conclusive Evidence in all Courts and before all Tribunals that the Testator left no other Will or Testamentary Instrument affecting the Real Estate of the Testator or his Personal Estate, as the Case may be.

Expense of Probate to be borne by Person applying for same.

LXVI. The Expense of obtaining Probate of a Will by or at the Instance of a Devisee, Creditor, or other Person interested in the Real Estate devised thereby, shall be borne by the Person applying for the same out of the Estate or Interest taken by such Person under such Will, and in the Case of a Creditor out of the Estate thereby devised; provided that the Judge may, if he think fit, order in any Case that such Expense or any Part thereof shall be borne by any other Person or Persons interested in the Real Estate devised by any such Will out of the Estate or Interest taken by such other Person or Persons.

Probate to be Evidence of Contents of Will as to Real as well as Personal Property.

LXXVII. A Probate Copy of every Will granted under this Act, while such Probate continues unrevoked, shall, upon Production thereof, be received in all Courts and in all Suits and Proceedings whatsoever in anywise touching or affecting Real or Personal Estate of whatever Nature or Tenure, (except any Suit or Proceeding by way of Appeal against the Grant of such Probate, or for the Revocation of such Probate,) as final and conclusive Evidence of the Validity and Contents of such Will, in like Manner as the Probate of a Will is now received as such Evidence in Suits and Proceedings as to Personal Estate to which such Probate extends.

No Person to claim as Heir, &c. without Certificate of Intestacy.

LXXVIII. No Person claiming any Real Estate, either at Law or in Equity, by reason or in consequence of the Death of any Person after the Time appointed for the Commencement of this Act, wholly intestate as to his Real Estate, either as the Heir of such deceased Person or in any other Character or Capacity, shall be entitled to maintain any Action or Suit for the Recovery of such Real Estate, or the Rents and Profits thereof, or any Part thereof respectively, unless and until the Intestacy of the Deceased shall be shown by a Certificate of Intestacy; provided that the Court may, if it shall so think fit, dispense with such Certificate of Intestacy in Cases of Waste or other Cases requiring the immediate Interposition of the Court.

Certificate of Intestacy.

LXXIX. A Certificate of the Intestacy of any deceased Person granted by the Court under the Provisions of this Act while uncancelled or unrevoked shall be conclusive Evidence (except in Suits or Proceedings in such Court, or in any Court of Appeal or other Court having Power to recall or revoke the same, in which the Intestacy may be in contest,) in all Courts and before all Tribunals, that such Person died intestate as to his Real Estate, and (except in such Suits or Proceedings as aforesaid) no Evidence to the contrary thereof shall be received or receivable.

Power to Real Representative to sell and convey; and to mortgage.

LXXX. Every Real Representative appointed as aforesaid shall have full Power to sell and convey the Real Estate of the Deceased, or so much thereof as shall be comprised in or affected by the Order appointing such Real Representative, and to receive the Rents and Profits thereof, and to raise Money by Mortgage of the same, and to give Discharges for such Purchase and Mortgage Monies and Rents and Profits.

Representation of Real Estates.

LXXXI. In all Suits, Actions, or Applications respecting the Real Estate comprised in or affected by any Order appointing a Real Representative, the Real Representative so appointed shall represent such Real Estate in the same Manner and to the same Extent as the Executor or Administrator of any deceased Person represents the Personal Estate of such deceased Person.

Act limited to Estates of Persons dying after this Act.

LXXXII. Except where otherwise provided, none of the Provisions herein contained with reference to the Real Estate of deceased Persons shall extend to the Real Estate of Persons dying before this Act comes into operation.

Sureties to Administration Bonds.

LXXXIII. So much of an Act passed in the Twenty-first Year of the Reign of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of the Reign of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of the Reign of King James the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be and the same are hereby repealed.

Bond.

LXXXIV. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge for the Time being, and, if the Court shall so require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any General or Special Order direct.

Penalty on Bond.

LXXXV. Such Bond shall be in a Penalty of Double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court so to do, and the Court may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court shall think reasonable.

Power of Court to assign Bond.

LXXXVI. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order as the Party to sue in respect of any Breach of the Condition thereof; and such Person shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested (subject nevertheless to the Control and Direction of the Court) the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Pending Suits.

LXXXVII. All Suits, whether original or by way of Appeal, which shall be pending in any Court in England respecting any Grant of Probate or of Administration, shall be transferred, with all the Proceedings therein, to the Court, there to be dealt with and decided according to the Rules and Practice of the Court, except so far as the Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which end the Court shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred: Provided that this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed: Provided also, that every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Proviso.

Proviso.

Proviso.

Act not to prejudice Right of

LXXXVIII. Nothing in this Act contained shall prejudice or affect the Right of any Proctor practising in any Ecclesiastical Court to maintain

Proctors to bring Actions.

tain any Action for, or to demand any Costs due to him in relation to, any Business transacted by him in any Ecclesiastical Court before the Commencement of this Act.

Power to Judge of Prerogative Court to deliver written Judgments.

LXXXIX. If at the Commencement of this Act any Cause which shall have been heard before the Judge of the Prerogative Court shall be standing for Judgment, such Judge may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court on the Day on which the same shall be delivered to the Registrar, and shall be subject to Appeal under this Act.

Power as to Appointment of Administrator.

XC. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case to appoint some Person to be the Administrator of the Personal Estate of the Deceased other than the Person who if this Act had not passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator, upon his giving such Security (if any) as the Court shall direct, and if in the Judgment of the Court, under the Special Circumstances of any particular Case, it shall be proper or advisable so to do, to appoint as such Administrator a Person to be under the immediate Control of and immediately accountable to the Court, and to allow to such Person such Remuneration out of the Estate as the Court shall think fit.

Administration pendente lite.

XCI. Pending any Suit touching the Validity of the Will of any deceased Person, or for the obtaining, recalling, or revoking any Probate, or any Grant of Administration, the Court may appoint an Administrator of the Personal Estate of any such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a general Administrator, other than the

Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

XCII. It shall be lawful for the Court to appoint a Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person, and the Power of the Court of Chancery to appoint a Receiver pending any such Suit shall cease after the Commencement of this Act.

Receiver of Real Estate pendente lite.

XCIII. The Court may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal Estate of the Deceased such reasonable Remuneration as the Court shall think fit.

Remuneration to Administrators pendente lite and Receivers.

XCIV. The Provisions of an Act passed in the Thirty-eighth Year of His late Majesty George the Third, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration has been granted shall have departed this Kingdom, and be out of the Jurisdiction of Her Majesty's Courts of Law and Equity.

38 G. 3. c. 87. extended to Administrators.

XCV. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit or otherwise act as Executor of the Deceased as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

After Grant of Administration, no Person to have Power to sue as an Executor.

XCVI. The Revocation of any temporary Administration shall in nowise prejudice any Proceedings at Law or in Equity which may have been commenced by or against any Administrator so appointed; but a Suggestion may be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon; and the Proceedings which shall have been commenced by or against the Administrator whose Administration shall have been so revoked shall be continued in the Name of the Executor or Administrator appointed in his Place, in like Manner in all respects with reference to Liability, Costs, and otherwise, as if the Proceeding had been originally commenced by or against the Executor or Administrator so last appointed.

Revocation of temporary Grants not to prejudice Actions or Suits.

Payments under revoked Probates or Administration to be valid.

XCVII. All Payments bonâ fide made to any Executor or Administrator under any Probate or Administration revoked under this Act, and before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator acting under any such revoked Probate or Administration shall retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted would have been liable to make.

Court to have like Control over Wills, &c. as the Prerogative Court.

XCVIII. The Court shall have the like Power and Control over all Wills and Testamentary Instruments, and over all Papers or Writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to Matters or Causes within its Jurisdiction.

Court may remove from Registry forged Will, or restore a Will which has been tampered with.

XCIX. The Court may order the Removal from any Registry of any forged Will, or may order the Cancellation or Restoration of any Part of a Will proved to have been forged, altered, or tampered with.

Order to produce any Instrument purporting to be testamentary.

C. The Court may, on Motion, Petition, or otherwise, in a summary Way, whether or not any Suit or other Proceeding shall be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Testamentary or any District Office, or otherwise as the Court may direct, any Paper or Writing, being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for concluding that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories, respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

Issues may be tried before the Court.

CI. In Issues or Questions of Fact arising in Suits or other Proceedings under this Act, the Court shall, unless the Parties request the contrary, direct the Truth thereof to be determined before itself by the Verdict of a Special or Common Jury.

For the Trial of such Issues the Special or Common Jury shall, in pursuance of a Precept by the Court directed to the Sheriff of Middlesex, be by the said Sheriff impanelled, struck, and summoned before the Court, and be subject to the same Penalties as if they were impanelled, struck, and summoned for the Trial of Issues at the Sittings at Nisi Prius for Westminster. The Special or Common Jury so summoned to appear before the Court shall be subject to the same Penalties, and be liable to be challenged for the same Causes and by the same Persons, and shall try the Matters in Issue, and give a Verdict thereon, as if such Issues were tried at the Sittings at Nisi Prius for Westminster.

Examination of Parties and Witnesses.

Production of Deeds, &c.

CII. The Court may require the Attendance of any Party or Witness before itself in any Suit or other Proceeding in respect of Matters or Causes Testamentary, and examine or cause to be examined Parties and Witnesses by Word of Mouth, and either before or after or with or without Examination, by Deposition or Affidavit; and the Court may order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts, and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

Court may direct Issues at the Assizes.

CIII. The Court may direct Issues on Matters of Fact arising in Suits or other Proceedings under this Act in respect of Matters or Causes Testamentary to be tried by the Verdict of a Special or a Common Jury before any Judge of Assize.

New Trials.

CIV. If the Court be dissatisfied with the Verdict of a Jury, either before itself, or before a Special or Common Jury at the Assizes, it may, subject to the Rules and Orders under this Act, order and direct a new Trial either before itself, or before any Judge of Assize; and if no new Trial be ordered the Verdict of the Jury shall be conclusive.

Where Personal Property under 200*l.*, County Court to decide all disputed Questions.

CV. If the Personal Estate and Effects of which any deceased Person died possessed, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, be sworn to be under the Value of Two hundred Pounds, the Judge of the County Court of the District in which the deceased Person died shall have the contentious Jurisdiction, Power, and Authority of the Court in respect of Questions as to the Grant and Revocation of Probates of Wills and Letters of Administration of such deceased Person, and also in respect of Legacies, Inventories, and Accounts, and the Distribution of the Estates and Effects of such deceased Person, and also in respect of all other disputed Questions in relation to Matters and Causes Testamentary affecting the Estate of such deceased Person.

Where Real and Personal Estate under 300*l*., Judge of County Court to have the Jurisdiction of Her Majesty's Court of Probate and Administration.

CVI. Where the Real and Personal Estate and Effects of which any deceased Person died possessed, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, shall be sworn to be collectively under the Value of Three hundred Pounds, the Judge of the County Court of the District in which the deceased Person died shall have, use, and exercise, in relation to the Administration and Distribution of the Real and Personal Estate and Effects of such deceased Person, the Jurisdiction, Power, and Authority possessed by the Court in respect to the Administration of the Assets of deceased Persons.

Clerk of County Court to transmit to Registrar Certificate of Decree for Grant or Revocation of Probate, &c.

CVII. On a Decree being made by a Judge of a County Court for the Grant or Revocation of a Probate or Administration in any such Cause the Clerk of the County Court shall transmit to the Registrar or District Registrar, as the Case may be, a Certificate under the Seal of the County Court of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from the Testamentary Office or District Office which would have had Jurisdiction to issue the same in common Form if no Contention had occurred.

The Judge of the County Court to decide Cause and enforce Judgments as in other Cases.

CVIII. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same, and enforce Judgment therein, as if the same had been an ordinary Action in the County Court.

Costs.

CIX. In Suits or other Proceedings under this Act, the Costs shall be in the Discretion of the Court, or, as the Case may be, in the Discretion of the Judge of the County Court, but upon Appeals from the Court to the House of Lords the Costs shall be in the Discretion of the House of Lords, and if it appear that any Person have instituted any groundless or frivolous Suit or other Proceedings, or set up any groundless or frivolous Defence, the Court, or the Judge of the County Court, as the Case may be, may order such Person to pay the Costs as between Attorney and Client, or any

Part of the Costs of resisting any such groundless or frivolous Suit or other Proceeding, or of setting up any such groundless or frivolous Defence, and such Costs shall be taxed by a Registrar of the Court, and by such Officer of the County Court as may be prescribed by the Rules and Orders under this Act; and Execution may issue for the Recovery of Costs in Suits or other Proceedings before the Judge of the County Court, in like Manner as if the same had been Costs in an ordinary Action in the County Court.

Security for Costs.

CX. The Court, or the Judge of the County Court, may, upon the Application of a Defendant to any Suit or other Proceeding under this Act, supported by Affidavit, order the Party instituting such Suit or other Proceeding to give Security for the Costs of the Defendant in such an Amount as the Court or the Judge of the County Court may deem expedient, and until such Security for Costs be given the Suit or other Proceeding shall be stayed.

Limitation of Time of proceeding Twenty Years.

CXI. Except as herein-after provided, no Suit or Proceeding shall be instituted or taken to revoke or recal any Probate or Administration, after the Expiration of Twenty Years from the Date of such Probate or Administration.

Disability.

CXII. If, at the Time of the granting any Probate or Administration, the Person entitled to revoke or recal such Probate or Administration shall have been or shall be under the Disability of Infancy, Coverture, Idiotcy, Lunacy, Unsoundness of Mind, or Absence beyond Seas, such Person so under Disability, or any Person claiming under him, may institute any Suit or Proceeding for the Purpose of revoking or recalling any such Grant of Probate or Administration within Ten Years after the Removal of such Disability, or within Ten Years after the Death of the Person under Disability, which shall have first happened.

Ten Years.

Fraud.

CXIII. In Cases of Fraud the Person aggrieved or supposed to be aggrieved thereby, or any Person claiming under him, may institute a Suit or Proceeding for the Purpose of revoking or recalling any Probate or Administration, notwithstanding the Expiration of Twenty Years from the Date of such Probate or Administration; provided that the special Leave of the Court be previously obtained authorizing the Institution of such Suit or other Proceeding, and upon such Terms, if any, as the Court may think fit to impose.

Void and voidable Probates and Administrations

CXIV. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall have been revoked, or determined by any Court of competent Jurisdiction to have been void, before the Commencement of this Act; nor shall this Act prejudice or affect any Proceedings pending at the Time of the Passing of this Act in which the Validity of any such Probate or Administration shall be in question. If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration, shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Probates and Administrations granted before this Act comes into operation.

CXV. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act. And all Inventories and Accounts in respect thereof shall be returnable to the Court, and all Bonds taken in respect thereof may be enforced by the Court.

Power to make Rules and Regulations.

CXVI. It shall be lawful for the Judge, at any Time after the passing of this Act, and from Time to Time, to make such Rules, Orders, and Regulations respecting the Form and Mode of Proceeding in the Court, and the Pleadings and Practice thereof, and the Conduct and Duties of the Officers and Practitioners therein, and, if he shall so think fit, for altering the Course of Proceedings herein prescribed or referred to in reference to any of the Matters to which this Act relates, and also for regulating the Fees and Allowances to Solicitors of the Court in relation to such Matters as to him shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, and Regulations; and all such Rules, Orders, and Regulations shall have the same Force and Effect as if the same had been enacted by Parliament: Provided always, that a Copy of such Rules, Orders, and Regulations shall immediately after the issuing of the same be laid before the Lord Chancellor, the Chief Justice of the Court of Queen's Bench, the Chief Justice of the Court of Common Pleas, the Chief Baron of the Exchequer, the Lords Justices, and the Master of the Rolls; and if they or the Majority of them shall, within One Calendar Month after such Rules, Orders, and Regulations shall have been laid before them, declare by Order in Writing that such

Rules, Orders, or Regulations, or any of them, ought not to remain in force, then and in such Case the same Rules, Orders, and Regulations, or such of them as shall be so objected to, shall from and after such Order be abrogated and cease to be binding; and in the meantime, and until altered or varied by any such Rule or Order as last aforesaid, the Pleadings or Statements of the Cause of Action or Suit or Claim, and of the Defence, shall be in a simple and intelligible Form, and may be to the following Effect:

A.B. claims Probate of the Will [and of a Codicil (or Two Codicils)] of X.Y., late of deceased, which the said A.B. alleges to have been duly executed and attested.

C.D., (One of the next of Kin) (or Heir-at-Law) of X.Y. deceased, denies the Right of A.B. to Probate of the said alleged Will (or Codicils), and avers that the said A.B. at the Time of the alleged Execution thereof was of unsound Mind, and incompetent to make a Will [or that the said alleged Will was not duly attested according to Law] [or that the said alleged Will was not executed by the said X.Y.] as the Case may be.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Testamentary Office.

CXVII. The Acting Judge and Registrar of every Court, and other Person, now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose from the Principal Registrar or a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Testamentary Office all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating to Matters or Causes Testamentary, to be there deposited and arranged so as to be easy of Reference.

Penalty for Default.

CXVIII. Any Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts by the Principal Registrar.

Safe Custody of the Wills of living Persons.

CXIX. A safe and convenient Depository shall be provided in the Testamentary Office and each District Office for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in the Testamentary Office or District Offices upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

Power to Lord Chancellor to arrange for temporary Custody of Wills, &c. until same are deposited in Testamentary Office.

CXX. The Lord Chancellor may from Time to Time cause Arrangements to be made for or with respect to the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or other Instruments relating to Matters and Causes Testamentary, or of any Part or Portion of such Instruments, until the same shall be deposited in the Testamentary Office.

Appointment of temporary Officers.

CXXI. In case any Principal Registrar, or other Officer appointed or to be appointed by virtue of this Act, shall by reason of Ill-health or other Infirmity become temporarily incapable of performing the Duties of his Office, or shall for any other reasonable Cause, to be allowed by the Judge, apply to be relieved from the Discharge of the Duties thereof for a certain Time only, the Judge may appoint some fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall during such Period have all the Power and Authority of the Principal Registrar or other Officer in whose Place he shall be so appointed, and shall be paid by such Principal Registrar or other Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, to be approved of by the Judge.

Power to Judge to direct Registrars to discharge the Duties of Principal Registrar during Vacation, &c.

CXXII. The Judge may authorize and direct One of the Registrars of the Court to discharge the Duties of the Principal Registrar during Vacations, or during the temporary or occasional Absence of the Principal Registrar, and the Registrar so authorized and directed to discharge such Duties shall, during Vacations, or during such temporary Absence, have all the Power and Authority of the Principal Registrar.

Power to Lord Chancellor to remove any Officer appointed under this Act engaging in other Employment.

CXXIII. If any Person holding any Office, Situation, or Employment under this Act be engaged in any other Office, Situation, or Employment, or if such Person, being or having been a Proctor, a Solicitor, or Attorney, directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment under this Act.

Proctors, Solicitors, &c. appointed to any Office under this Act not to practise.

CXXIV. If any Proctor, Solicitor, or Attorney hold any Office under this Act, he shall cease to practise as a Proctor, Solicitor, or Attorney, and shall forthwith procure his Name to be struck off the List of Proctors or off the Roll of Solicitors of the High Court of Chancery, or of Attornies of any of Her Majesty's Superior Courts on which his Name may be.

Saving existing Employments.

CXXV. Notwithstanding the Provisions herein-before contained, it shall be lawful for any Person who shall for the Space of Two Years immediately preceding the First Day of January One thousand eight hundred and fifty-six have acted as Registrar or Deputy Registrar in any Ecclesiastical Court in England or Wales, and shall also have practised as an Attorney or Solicitor, or been engaged in any other Employment, and who shall accept the Office of District Registrar under this Act, to continue in such other Employment, and to practise as such Attorney or Solicitor; provided that such Person shall not directly or indirectly act as Solicitor in any Business to be transacted in the District Office of which he is Registrar.

Registrars, &c. to have Power to administer Oaths.

CXXVI. The Principal Registrar, Registrars, and District Registrars shall respectively have full Power to administer Oaths; and any Person wilfully taking a false Oath before any such Principal Registrar, Registrars, or District Registrars shall be liable to the Penalties, Punishments, and Consequences of wilful and corrupt Perjury.

Power to appoint Commissioners to administer Oaths, &c.

CXXVII. The Judge shall appoint all Persons who at the Commencement of this Act shall be acting as Surrogate of any Ecclesiastical Court, and who shall be styled "Commissioners of Her Majesty's Court of Probate and Administration," to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act, and who shall receive such Fees as may be specified in such Rules and Orders; and the Judge shall have Power to appoint from Time to Time so many other Persons as he may deem expedient to be Commissioners for the Purposes aforesaid.

Forging or counterfeiting Seal or Signature of Officers.

CXXVIII. If any Person forge the Signature of the Principal Registrar or of any of the Registrars, District Registrars, or Commissioners for taking Oaths, or forge or counterfeit any Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Principal Registrar, Registrars, District Registrars, or Commissioners, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for any Term not exceeding Ten Years and not less than Four Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Penalty.

This Act not to affect the Stamp Duties on Probates and Administrations.

CXXIX. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

CXXX. The Principal Registrar and District Registrar shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit with the Schedule thereto required by Section of this Act, and in the Case of Letters of Administration without a Will annexed such original Affidavit and Schedule, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

Lord Chancellor to prepare Table of Fees to be taken by Officers of Court.

No other Fees to be taken.

CXXXI. The Lord Chancellor is hereby required to prepare or cause to be prepared, before the Commencement of this Act, a Table of Fees, specifying what Fees are proper to be demanded and taken by the Officers, Practitioners of the Court, and of the Testamentary and District Offices, and what Fees shall be payable by Suitors in the Court to the Officers thereof in respect of the Business to be conducted in the Court, or at Chambers, or in the Testamentary or District Offices; and also another Table of Fees specifying what Fees are proper to be demanded and taken by the Officers of and Practitioners in the County Courts, and what Fees shall be payable by Suitors in the

County Courts to the Officers thereof in respect of the Business to be conducted in the County Courts in respect of Matters and Causes Testamentary; and what Fees shall be payable in respect of Searches or Copies, or of Extracts from Records, Wills, Administrations, and other Instruments deposited in the Testamentary or District Offices, other than the Wills or other Instruments deposited by living Persons; and he is hereby empowered from Time to Time to add to, reduce, alter, or amend the same, and cause the same to be inserted and published in the London Gazette; and no other Fees than those specified and allowed in such Table of Fees shall be demanded or taken by such Officers.

No Officer to retain any Fees for his own Use;

CXXXII. No Officer of the Court, or of the Testamentary or District Offices, or of any County Court, shall be entitled to receive or retain any Fee or Reward whatsoever; and if any Officer of the Court, or of the Testamentary or District Offices, or of any County Court, shall, for anything done or pretended to be done relating to his Office, Situation, or Employment, or under colour of doing anything relating to his Office, Situation, or Employment, wilfully take, demand, receive, or accept, or permit or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or anything of Value other than his Salary, or what is allowed or directed to be taken by him under this Act, or by any Rule or Order under this Act, the Person so offending, when duly convicted, shall forfeit and pay the Sum of Five hundred Pounds, and shall be removed from any Office, Situation, or Employment he may hold in the Court, or the Testamentary or District Offices, or in any County Court, and shall be rendered and he is hereby rendered incapable of ever thereafter holding any Office, Situation, or Employment in the Court, or in the Testamentary or District Offices, or in any County Court, or otherwise serving Her Majesty, Her Heirs or Successors.

or accept Gratuity.

Penalty.

Prosecution of Offenders.

CXXXIII. Any such Offender may be prosecuted, either by Information at the Suit of Her Majesty's Attorney General, by criminal Information before Her Majesty's Court of Queen's Bench, or by Indictment.

Fees not to be paid in Money, but by Stamps.

CXXXIV. None of the Fees payable to the Officers of the Court, except as herein-after mentioned, shall be received in Money, *but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Lord Chancellor may order any Fees which cannot conveniently be collected by Stamps to be received in Money.*

Fees to be collected by Stamps, and paid to "The Testamentary Fee Fund Account."

CXXXV. *All the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, intituled "An Act for the Relief of Suitors "of the High Court of Chancery," and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under this Act; save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under any Rules and Orders under this Act, and of all Costs, Charges, and Expenses incurred by them, or by their Direction, in carrying the same into effect; and the said Commissioners may pay, and deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps, and after such Deduction they shall from Time to Time, and in such Manner as the Judge shall by Rules and Orders under this Act direct, pay the same into the Bank of England, to the Credit of the Principal Registrar and such Two other Registrars of the Court as the Judge shall from Time to Time appoint, to be placed to an Account there, to be entitled "The Testamentary Fee Fund Account."*

Fees to be paid to "The Testamentary Fee Fund Account."

CXXXVI. Such of the Fees payable to the Officers of the Court or of the Testamentary or District Offices as the Lord Chancellor shall direct to be collected in Money shall, at such Times and in such Manner as he shall direct, be paid into the Bank of England, to the Credit of "The Testamentary Fee Fund Account."

Acts relating to Stamps under Commissioners of Inland Revenue incorporated.

CXXXVII. *The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall, so far as the same are applicable, and consistent with the Provisions of this Act, in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.*

Buildings to be provided for the Court and Testamentary Office.

CXXXVIII. *The Commissioners of Her Majesty's Treasury shall advance or procure from Time to Time such Sums of Money as may be necessary for providing suitable Rooms and Buildings in which* *the Business of the Court and of the Testamentary and District Offices may from Time to Time be carried on, and for the Enlargement, Alteration, Improvement, Repairs, Furnishing, and Fitting-up of the same, and otherwise for carrying into effect the Provisions of this Act; and any Sums of Money so advanced, with Interest thereon at and after the Rate of Four per Cent. per Annum, shall, by Order from the Lord Chancellor, be repaid from Time to Time to the said Commissioners out of " The Testamentary Fee Fund Account."*

Power to Lord Chancellor to provide Offices, &c.

CXXXIX. The Lord Chancellor may, by Rules and Orders under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of the "Testamentary Fee Fund Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings, and for the Rent, Taxes, Rates, Insurances from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court and Testamentary and District Offices, and for all other necessary Expenses relating thereto, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testamentary, and for the Books and Stationery which may be required for the Business of the Court and of the Testamentary and District Offices, and for the making, copying, writing, printing, correcting and examining official Documents and Records of the Court and of the Testamentary and District Offices.

Salaries of Officers.

CXL. There shall be paid to the several Officers named in Schedule (F.) to this Act the several Salaries or yearly Sums set opposite to their respective Names or Titles in the same Schedule, and to such of the other Officers, Clerks, Servants, and Messengers appointed or to be appointed by or under this Act, such Salaries, yearly Sums, or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct.

Power to Lord Chancellor to remove any Officer becoming infirm or incapable, and to limit retiring Allowance.

CXLI. The Lord Chancellor may, by Order, remove any Officer or Person attached to or employed in the Court or in the Testamentary Office who shall be afflicted with any Infirmity which shall disable him from the due Execution of his Office, and who shall refuse to resign or become incapable of resigning the same, and upon such Removal order to be paid to such Officer or Person so removed an Annuity or retiring Allowance, not exceeding Two Third Parts of the yearly Sum or Salary to which he shall be entitled at the Time of his Removal.

Mode of compensating retiring Officers, &c.

CXLII. The Lord Chancellor may, by any Order made on a Petition presented to him for that Purpose, order to be paid to any Person holding any Office or Situation in the Court, or in the Testamentary or District Offices, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office or Situation, or who shall have continued in any Office of the Court or of the Testamentary or District Offices, for Twenty Years, and shall be desirous of resigning the same, a Superannuation Allowance, and thereupon such Officer or Person shall be entitled to receive such Superannuation Allowance, not exceeding Two Thirds of his Salary, as the Judge with the Consent of the Commissioners of Her Majesty's Treasury, shall direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the Judge and the said Commissioners shall take into consideration the whole Period during which any such Officer or Person shall have been permanently employed in any Office or Situation in the Court or in the Testamentary or District Offices: Provided that as to such of the said Officers as shall have been previously Officers of or employed in the Prerogative Court, or in some Ecclesiastical Court, the Time during which they shall have been so employed shall for the Purposes of this Clause be deemed and taken as Part of the Time during which they shall have continued to be Officers of the Court or of the Testamentary or District Offices: Provided also, that the Judge shall in every such Order state the Cause for making the same, and shall cause a Copy of such Order to be laid on the Table of the Commons House of Parliament within Fourteen Days after the making of the same, if Parliament be then assembled, and if Parliament shall not then be assembled, then within Fourteen Days next after the Meeting thereof.

Proviso.

Proviso.

Temporary Fund for the Payment of Compensations.

CXLIII. Whereas it is expedient to provide a temporary Fund for the Payment of the Compensations under the Provisions of this Act: Be it enacted, That in future the Proctorial Fee at present received and taken by the Proctors practising in England or Wales in respect of Grants of Probate and Administration shall be levied, raised, and collected, and paid into the Testamentary Office, to be placed to the Account of the "Testamentary Fee Fund Account:" Provided, that as the respective Annuities allotted under this Act by way of Compensation shall from Time to Time cease, and after the Commissioners of Her Majesty's Treasury have been repaid all Sums of Money, with Interest thereon, which they may have advanced in carrying into effect the Provisions of this Act, it shall be lawful for the

Lord Chancellor and he is hereby required from Time to Time to reduce, as he may deem necessary and proper, the Fees so to be levied and paid.

Compensation to Judges, Deputy Judges, &c.

CXLIV. Whereas by reason of the Provisions of this Act the Judges, Deputy Judges, Registrars, and Deputy Registrars, or other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary, and who are lawfully entitled to receive Salaries, Fees, or Emoluments payable in respect of the Transaction of Business respecting such Matters and Causes, will be deprived thereof, and it is reasonable and fit that Compensation should be made in respect of such Losses: Be it therefore enacted, That every such Judge, Deputy Judge, Registrar, Deputy Registrar, and other Person, except he be appointed to an Office under this Act equal in Value to the Office he now holds, may claim Compensation in respect of such Salaries, Fees, and Emoluments from the Commissioners of Her Majesty's Treasury, within Six Months from the Commencement of this Act; and the said Commissioners may, by Examination on Oath or otherwise, and in such Manner as they shall think fit, (and for such Purpose they are authorized to administer Oaths,) inquire into the Nature of the Office, and what was the Tenure, and what was the clear annual Amount, on an Average of Five Years immediately preceding the Commencement of this Act, of the lawful Salaries, Fees, and Emoluments in respect of which Compensation shall be so claimed, and require the Production of such Evidence as they shall think fit; and the said Commissioners shall have regard to the Fact whether such Office shall have been exercised jointly or by Deputy, in which Case any joint Holder of the said Office, or the Person performing the Duties of the Office by Deputy, shall be entitled to make claim in respect of the Emoluments actually received by him under or by virtue of any Arrangement entered into with the other joint Holder, or the Deputy, as the Case may be; and the said Commissioners shall absolutely determine and allot to such Officers, joint Holders of Offices, and Deputies, and other Persons, such Sums of Money or annual Sums of Money as Compensation in respect of their several Claims, to be calculated on an Average of Five Years immediately preceding the Commencement of this Act, as to the said Commissioners shall seem just: Provided, that in no Case shall any such Officer, joint Holder of an Office, or Deputy, be entitled to receive any such Compensation unless he shall have held such Office, joint Office, or Deputyship for the Space of Two Years immediately preceding the Commencement of this Act; and provided also, that every such Officer, joint Holder of an Office, or Deputy, who shall have held such Office, joint Office, or Deputyship for more than Two Years but less than Six Years immediately preceding the Commencement of this Act, shall be entitled to One Half only of the Amount of Emolument so enjoyed by him as aforesaid, to be computed on the Average of the whole Time during which he shall have held such Office: Provided also, that any Person having been a Deputy and afterwards appointed a Principal shall be entitled to claim Compensation if he shall have held the two Appointments continuously for either of the Periods of Time above mentioned.

Compensation to Proctors.

CXLV. Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into, and may, by the Production of such Evidence as they shall think fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors in Matters and Causes Testamentary, on an Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of Five Years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as shall be equal in Value to One Half of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon the said Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of the said Five Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

Compensation to Proctors in Partnership.

CXLVI. And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof, as herein-before provided, to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, regard being had to the existing Terms and Conditions of the same.

CXLVII. Every

Compensation to Articled Clerks and Junior Proctors.

CXLVII. Every Person who at the Time of the Commencement of this Act shall be actually under Articles to a Person practising in a Court now exercising Jurisdiction in Matters and Causes Testamentary, and entitled to take an Articled Clerk, shall be entitled to claim from the Commissioners of Her Majesty's Treasury, by way of Compensation, One Third Part of the Fee originally paid by him, or on his Behalf, at the Time of the Commencement of his Articles; and every Proctor who has not been admitted to practise as a Proctor in a Court now exercising Jurisdiction in Matters and Causes Testamentary, for a longer Period than Three Years, shall be entitled to claim from the said Commissioners, either in respect of his Income as a Proctor, or for One Third Part of the Fee paid by him or on his Behalf to the Proctor to whom he was articled.

Compensation to Judge of Prerogative Court.

CXLVIII. There shall be awarded to the Judge of the Prerogative Court, by way of Compensation, an annual Sum equal in Amount to the net annual Value of the lawful Fees and Emoluments of his Office, according to such an Average prior to the Commencement of this Act as the said Commissioners of Her Majesty's Treasury shall think proper, and such annual Sum shall be payable to him during his Life.

Compensation to Chief or Managing Clerks in the Office of Registrar or Proctor.

CXLIX. Every Person who has been employed as Chief or Managing Clerk in the Office of a Registrar or Proctor of the Courts now exercising Jurisdiction in Matters and Causes Testamentary, and has been so employed continuously for Fifteen Years immediately before the passing of this Act, and who shall by the Operation of this Act be deprived wholly or in part of such Employment, or of any Emoluments arising therefrom, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months from the Commencement of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Salary or lawful Emoluments of such Clerk of which he has been deprived by reason of this Act; and the said Commissioners shall award in each Case such Compensation, if any, as they shall think just, not exceeding One Half of the Salary or Emoluments received by such Clerk on an Average of Five Years prior to the passing of this Act.

Persons appointed to Offices not to receive Compensation while holding such Offices, &c.

CL. If any Person entitled under this Act to make such Claim for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Situation, shall be suspended if the Amount of such Salary or Emoluments be equal to or greater than the Amount of such Compensation, and if the Salary or Emoluments be less than the Amount of such Compensation, such Person shall be entitled to receive the Difference existing between the Amount of such Salary or Emoluments and the Amount of such Compensation, and no more.

For the Protection of the Interests of the Right Hon. Charles Viscount Canterbury.

CLI. And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled "An "Act to authorize the Lord Archbishop of Canterbury for the Time "being to appoint a Person or Persons to the Office of Registrar "of his Prerogative without a previous Surrender of the existing "Grant or Grants of the said Office," after reciting (among other things) that by virtue of a Grant of the Most Reverend John then late Archbishop of Canterbury, dated the Sixth Day of December One thousand seven hundred and ninety-nine, the Reverend George Moore and the Reverend Robert Moore then held the said Office, it was enacted that it should be lawful for the Archbishop of Canterbury for the Time being and from Time to Time (nevertheless with the Confirmation of the Dean and Chapter for the Time being of the Cathedral and Metropolitical Church of Christ, Canterbury, to be testified as therein mentioned), notwithstanding any existing Grant or Grants for the Time being of the said Office, and without any previous Surrender of such existing Grant or Grants, to grant the said Office to any One Person for his Life, or to Two Persons for their Lives and the Life of the Survivors of them, so nevertheless that there should not be altogether more than Three Lives in the said Office at one and the same Time, and each of the Grants thereby authorized should take effect so as to be subject and without Prejudice to the Estates and Interests, Rights and Privileges, as well of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said recited Grant, as of all and every other Grantee or Grantees of the said Office for the Time being by virtue of any then existing Grant or Grants, and each of the Grants thereby authorized should have Priority respectively and successively over every subsequent Grant of the said Office: And whereas the Most Reverend Charles late Archbishop of Canterbury did, by virtue of the Power given by the last-recited Act, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the said George Moore and Robert Moore, and the Survivor of them, by virtue of the said Grant of the Sixth Day of December One thousand seven hundred and ninety-nine: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled " An Act for settling and securing Annuities on " the Right Honourable Charles Manners Sutton and on his next " Heir Male, in consideration of the eminent Services of the said " Right Honourable Charles Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and be paid to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and should commence from the Time therein mentioned, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand Pounds shall be payable out of and charged upon the said Consolidated Fund, to be paid to the then Heir Male of the Body of the said Charles late Viscount Canterbury, during the natural Life of such Heir Male; and after reciting that the said Charles now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Body of the said Charles late Viscount Canterbury, stood possessed of a contingent beneficial Interest in the Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, it was further enacted, that in the event of the said Charles now Viscount Canterbury having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine and be no longer payable to the said Charles now Viscount Canterbury; provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury, then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to and is now in possession of the

Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar: Be it therefore enacted as follows: There shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount Canterbury shall then be in possession of the said Office, and if not, then from the Time at which the said Charles Viscount Canterbury would have become entitled but for the passing of this Act to the full Possession of the said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the said Charles Viscount Canterbury shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury, out of the said Consolidated Fund, of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

The Registry of Prerogative Court of Canterbury to vest in Registrar of the Court.

CLII. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court, shall at the Time appointed for the Commencement of this Act vest in the Principal Registrar for the Time being of the Court, subject to the Payment of such Rents and the Performance and Fulfilment of such Contracts in respect thereof as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting.

Compensation to Rev. R. Moore for Building.

CLIII. In lieu of and Compensation for such Claim, Title, and Interest as aforesaid, the said Robert Moore, his Executors or Administrators, shall be entitled to receive, out of the Fund herein-after provided in that Behalf, such Sum of Money and in such Instalments as shall be agreed upon by Two competent Persons, one of whom shall be appointed by himself, his Executors or Administrators, and the other by the Commissioners of Her Majesty's Treasury, and in case such Persons disagree they shall appoint a Third, whose Award shall be final.

How Compensation is to be paid.

CLIV. The Compensation payable to the Reverend Robert Moore, Clerk, in respect of such Claim, Title, and Interest as aforesaid in or in respect of the said Building at present used as the Public Registry of the Prerogative Court, shall be paid to the said Robert Moore, his Executors or Administrators, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account."

Time of Payment of Salaries, &c.

CLV. All Salaries, Compensations, and Superannuations or retiring Allowances shall grow due from Day to Day, but shall be payable on the   Day of   , the   Day of   , the   Day of   , and the   Day of   , in every Year, or on such other Days as the Judge shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account," under any Order to be made from Time to Time for that Purpose.

Power to Lord Chancellor to order Surplus of Testamentary Fee Fund to be paid into the Exchequer.

If Fund insufficient to defray Salaries, &c., Commissioners of the

CLVI. If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Lord Chancellor may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; *and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Commissioners of Her Majesty's Treasury shall and they are hereby authorized and*

Treasury to provide for same.

required to direct the Amount of such Deficiency to be charged upon and paid out of the Consolidated Fund.

Probate of Will or Grant of Administration of Effects of Person dying domiciled in England to be valid in Ireland or Scotland.

In like Manner Probate or Administration granted by Her Majesty's Prerogative Court in Ireland to be valid in Great Britain.

Proviso.

CLVII. Every Probate or Administration granted by the Court with respect to the Effects of any Person dying domiciled in England shall be as valid and effectual with respect to the Personal Estate of the Deceased in Ireland or Scotland as with respect to his Personal Estate in England; and in like Manner every Probate or Administration granted by Her Majesty's Prerogative Court in Ireland with respect to the Effects of any Person dying domiciled in Ireland shall be as valid and effectual with respect to the Personal Estate of the deceased in Great Britain as with respect to his Personal Estate in Ireland; and every Confirmation of Executors to any Person dying domiciled in Scotland shall be as valid and effectual with respect to the Personal Estate of the Deceased in England or Ireland as with respect to his Personal Estate in Scotland: Provided always, that no Person making any Payment or transferring any Personal Estate to any Person claiming under any such Probate, Administration, or Confirmation as aforesaid shall be bound to inquire into the Domicile of the Deceased, if the Fact of such Domicile shall be stated on the Face of the Probate, Administration, or Confirmation, or be in anywise affected though the Domicile of the Deceased may be untruly stated thereon.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

The Districts throughout England and Wales shall be the Districts included in the Circuits of the County Court Judges, except the Metropolitan Districts.

SCHEDULE (B.)

FORM OF PROBATE.

In Her Majesty's Court of Probate and Administration.

BE it known, That on the Day of 18 the last Will and Testament of *A.B.*, late of deceased, hereunto annexed, [*insert here if necessary*, and who at the Time of his Death was domiciled in England,] was proved and registered in the Court of Probate and Administration, and that the Administration of all and singular the Goods, Chattels, and Credits of the said Deceased, and any way concerning his Will, was granted by the Court to *C.D.*, the sole Executor [*or as the Case may be*] named in the said Will.

(Signed) *C. D.*
Registrar of Her Majesty's Court of Probate and Administration [*or* Registrar of Her Majesty's Court of Probate and Administration at].

Sworn under £ , and
that the Testator died at
in the County of on the
Day of 18 .

(L.S.)

FORM OF LETTERS OF ADMINISTRATION.

In Her Majesty's Court of Probate and Administration.

BE it known, That on the Day of 18 , Letters of Administration of the Goods, Chattels, and Credits of *A.B.*, late of , deceased, who died intestate, [*insert here if necessary*, and who at the Time of his Death was domiciled in England,] were granted by the Court of Probate and Administration to *C.D.*, of , the Widow [*or as the Case may be*] *be*] of the said Intestate, she having been already sworn well and faithfully to administer the same, and to make a true and perfect Inventory of all and singular the said Goods, Chattels, and Credits, and to exhibit the same in the Testamentary Office of the said Court, or into the District Office of the said Court at , on or before the Day of 18 , and also to render a just and true Account thereof.

(Signed) *C.D.*

Registrar of Her Majesty's Court of Probate and Administration [*or* Registrar of Her Majesty's Court of Probate and Administration at].

Sworn under £ , and that the Intestate died at in the County of on the Day of 18 .

(L.S.)

Form of Renunciation.

Whereas *A.B.* of in the County of , deceased, died on the Day of 185 [having made and duly executed his last Will, bearing Date the Day of 185 , and thereof appointed *C.D.* Executor and Residuary Legatee in Trust]:

Now I the said *C.D.* do hereby expressly renounce all my Right, Title, and Interest to the [Probate and Execution of the said Will, and of the Letters of Administration with the said Will annexed]

(*add, in Cases where a Solicitor or Attorney appears for the Person renouncing*)

[And I do hereby appoint *E.F.* of Solicitor or Attorney-at-Law (*as the Case may be*), to lodge or cause this Renunciation to be lodged for me in the Testamentary Office or District Office at (*as the Case may be*) belonging to Her Majesty's Court of Probate and Administration]. In witness whereof I have hereto set my Hand, this Day of 185 . *C.D.*

Signed by the said *C.D.* in the Presence of *G.H.*

N.B.—The Parts of the above Renunciation between Brackets must be altered according to the various Circumstances of the Case.

SCHE-

SCHEDULE (C.)

Form of Affidavit and Schedule.

In Her Majesty's Court of Probate and Administration.

In the Matter of the Estate of *A.B.*, deceased.

I, *C.D.*, (*a*) of the Person [*or* One of the Persons] applying for Probate [*or* Administration] of the (*b*) Personal Estate and Effects of late of deceased, *make Oath*, (*c*) and say as follows:

(*a*) Insert the Names and Residences, and the Titles or Professions, of the Persons making the Affidavit.

(*b*) Insert the Nature of the Grant and Description of the Deceased.

(*c*) In case of Quakers, *solemnly affirm.*

(1.) *That the said A.B.* died on or about the Day of One thousand eight hundred and at (*d*)

(*d*) Insert Place of Death, or set forth the Reason why the same cannot be furnished.

(2.) That the Personal Estate and Effects of the said Deceased which he any way died possessed of or entitled to, and for or in respect of which Probate [*or* Administration] is to be granted, exclusive of what the said Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially, (*e*) and without deducting anything on account of the Debts due and owing from the said Deceased, are under the Value of Pounds, to the best of my Knowledge, Information, and Belief. (*f*)

(*e*) Insert as to Leasehold Estates, if any.

(*f*) If no Leasehold Estates, insert so here.

(3.) And that the Schedule hereunto annexed, to which I have set and subscribed my Name, contains, to the best of my Knowledge, Information, and Belief, the Nature and Description of the said Personal Estate and Effects.

(Signed) *C.D.*

Sworn at this Day of 18 .

Before me [*Person authorized to administer Oaths under this Act*].

SCHEDULE OF PERSONAL ESTATE.

—	Value.		
	£ s. d.	£ s. d.	£ s. d.
Household Goods, Linen, Wearing Apparel, Books, Plate, &c. at [*State where situate.*]			
Stock in Trade, Farming Stock, and Implements of Husbandry at [*State where situate.*]			
Property in the Public Stocks or Funds transferable at the Bank *or* South Sea House.			
Leasehold Property at [*State where situate.*]			
Property in Public Companies. [*State what Companies.*]			
Money out on Mortgage and other Securities. [*State what Mortgages or other Securities.*]			
Other Personal Property, not comprised under the foregoing Heads. [*State the Nature and Description.*]			

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SCHEDULE (D.)

A true, full, plain, perfect, and particular Inventory of all and singular the Goods, Chattels, and Credits of *A.B.*, late of deceased, which have at any Time since his Death come to the Hands, Possession, or Knowledge of *C.D.* (the sole Executor named in the last Will and Testament of the said *A.B.*, *or* Administrator, *as the Case may be*,) made and exhibited upon and by virtue of the corporal Oath of the said *C.D.* as follows; to wit,

First, this Exhibitant saith, that the said Deceased was at the Time of his Death possessed of—

	£	s.	d.
[*The Details of the Effects of the Testate or Intestate must be here inserted in as many Sheets of Paper as may be necessary, and the Value inserted opposite the various Particulars.*]			

Lastly, this Exhibitant saith, that no Goods, Chattels, or Credits of or belonging to the Personal Estate of the said Deceased have at any Time since his Death come to the Hands, Possession, or Knowledge of this Exhibitant, save as is herein-before set forth.

(Signed) *C.D.*

On the Day of 18 the said *C.D.* was duly sworn to the Truth of the above Inventory.

Before me, .

SCHEDULE (E.)

Let nothing be done in the Goods of *A.B.*, late of in the County of , deceased, unknown to *C.D.* (the Solicitor or Attorney of *or as the Case may be*,) of in the County of having Interest.

(Signed) *C.D.* or *E.F.* of
the Solicitor or Attorney of the said *C.D.*

Dated this Day of 18 .

To the Principal Registrar of
the Testamentary Office, London.
or
To the Registrar of the District Testamentary Office at (*as the Case may be*).

SCHEDULE (F.)

	Annual Salary. £
The Principal Registrar - - - -	2,500
The Three Registrars, each - - - -	1,500
The District Registrars, each - - -	500
The Ten Official Proctors, each - - -	800

Wills and Administrations.

A

BILL

[AS AMENDED IN COMMITTEE]

To abolish the Jurisdiction of all the Eccl
siastical and Peculiar Courts in England a
Wales in all Matters relating to Wills a
Administrations, to establish a distinct Cou
of Probate, and otherwise amend the Law
relation to the Administration of the Estat
of deceased Persons.

(*Prepared and brought in by*
Mr. Solicitor General, Sir George Grey, and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1856.

[Bill 204.]

Under 7 *oz.*